

THE
DUBLIN REVIEW.

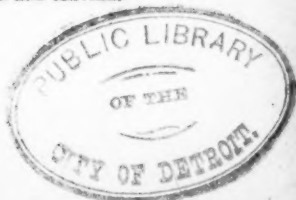
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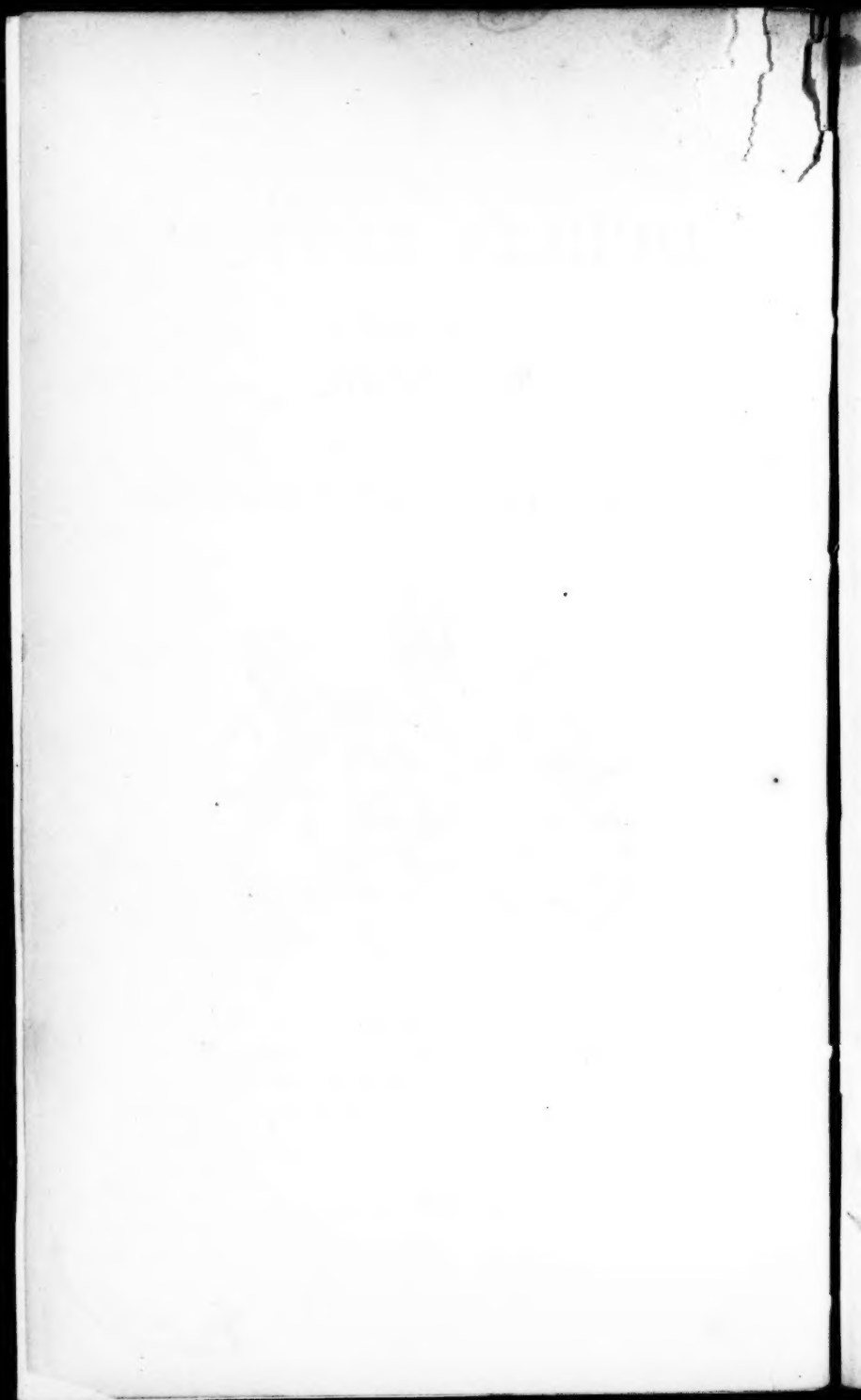
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LORD Chatham, says Professor Creasy, called Magna Charta, the bill of right, and the act of settlement, the Bible of the English constitution. And the saying embodied, no doubt, national tradition, and the popular impression, carefully kept up by every history and by every commentary, down to the last edition of Blackstone. Liberty is ascribed, above all, to the Revolution. But how much of ignorance is associated with this impression! "It is painful," says Professor Creasy, "to observe how few even of well educated Englishmen, have so much as read these great statutes." And this accounts for the delusion.

We might have imagined that the fact that Magna
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Charta, whatever its worth, was not only won by Catholics but under the auspices of Catholic prelates,—nay, even with the sanction and the assistance of a Cardinal of the Holy Roman Church—would have dissipated the bigotted prejudice that the Catholic religion, or the Catholic Church can be inimical to freedom. Until, however, Professor Creasy gave the text of the Charter in his lucid and highly useful little manual, we doubt if many in this country were aware what are the names which stand foremost in it, and by whose exertions, and with whose sanction it was chiefly won. Protestant writers, even when they really desire to emancipate themselves from hacknied errors, and take enlarged and enlightened views, rarely succeed in doing so. Thus, learned and lucid as is Professor Creasy's work, it is not equally candid; or, at all events, its view is far too contracted, for it overlooks the great fact that whatever was truly valuable in Magna Charta, was but the reluctant concession of what had long before been cordially established by the celebrated laws of Edward the Confessor, under the auspices of the Catholic Church.

The whole scope of every commentary or history, however, since the Revolution, is to represent that as the era of real liberty, and yet, the truth is, that liberty, as regards the body of the people, was far more a reality in Catholic times. The House of Commons, so early as the reign of Henry IV., had far more of real and independent influence in the state, as representing the people, than it had when it was filled with servile place-holders, or sordid place-seekers. Nor was it until the reign of Henry VI. that the first law was passed to secure the predominance of wealth in that branch of the legislature, by means of a property qualification. In the reign of Richard III. a statute was passed against "benevolences" or compulsory impositions by the crown, under colour of asking voluntary donations. And the statute was boldly and successfully appealed to by the City of London, in the reign of Henry VIII. when the Tudor tyranny began to rise, which did not establish itself until after the fall of Wolsey. The Cardinal yielded at once to the remonstrances of the people, annulled the commissions of "benevolence," and acknowledged he had been mistaken and misled; declared that he had no desire to oppress the people; dismissed the prisoners taken in some popular commotion, and behaved with what Mr. Galt, his liberal and Protestant biographer,

calls great magnanimity. So soon as Wolsey fell, the reign of arbitrary power began; his enemies, who succeeded him in power, the forerunners of the Revolution, began by pandering to the tyranny of the crown, and actually passed a law to absolve the king from the payment of his debts! Mr. Hallam, as well as Mr. Galt, has pointed out the arbitrary tendency of the measures they adopted; and their successors, during the long reign of Elizabeth, were willing instruments of royal tyranny, which James I. at his accession found already established as a system, and of course embraced as a doctrine. Then and not till then, under a Protestant system of government, arbitrary power was maintained as of Divine origin!

It seems to have escaped the observation of all writers on our constitution, so blinded and perverted is their mental vision by habitual and traditional prejudices against Catholicism, that absolutism was never established in this country, until it was separated from the Catholic Church. Not until the Tudors had established the Royal supremacy; not until the pedantic tyrant who succeeded Elizabeth had consecrated the notion of "the right divine of kings to govern wrong;" not until then was it, that Coke laid down in his great text book that "the kingdom of England was an absolute monarchy." Most strangely has this fact been ignored by Protestant writers, who, because the second James was a Catholic, have always appeared to forget that the first James was a Protestant, and that it was the first Stuart, who consolidated the tyranny established by the Tudors, and left it as a legacy to his successors. Lord Bolingbroke truly wrote "that the doctrines of unbounded prerogative had been established by James I., and that Charles I. had sucked in with his mother's milk the absurd principles of government, which his father was so successful in promulgating, and found them espoused as the true principles of religion and policy." No doubt. And he left them a legacy to his children. And if they were tyrants, the tradition of tyranny was a Protestant tradition. We deny indeed that either Charles or his successors were tyrants. We think we have in our former papers proved that they were not so; that Charles I. was the victim of the conspiracy of an oligarchy, desirous of usurping superior power; that the most violent whigs admit that Charles II., to the very close of his reign, had done nothing

to justify revolution, and that James II. did nothing more than his brother had done, and not one-tenth part of what his successors did. Of that momentous period of our history, the thirty years, from 1630 to 1660, Mr. Hallam truly says that it is a period "which no Englishman can regard without interest, and few without prejudice, and the period from which the factions of modern times trace their divergence, and which, after the lapse of two centuries, still calls forth violent emotions of party spirit, and affords the test of political principle." Professor Creasy as truly says that those years were rather years of abnormal struggles, than of constitutional government. True. But what were the struggles for? We say that they were simply struggles of an oligarchy for virtual sovereignty. And this can be shown, not merely from the history of the events of that era, but from its results, and from the eulogies of those who most approve of them.

We will take the testimony of one of the earnest admirers of the Rebellion and the Revolution. Mr. Macaulay thus describes what he calls the "hazardous game, on which were staked the destinies of the English people." "A game, which," he says, "was played on the side of the House of Commons with admirable dexterity, coolness, and perseverance." "Great statesmen," he says, "were at the head of that assembly. They were resolved to place the king in such a situation that he must either conduct the administration in conformity with the wishes of Parliament, or make outrageous attacks on the most sacred principles of the constitution. They accordingly doled out to him supplies very sparingly. He found that he must govern either in harmony with the House of Commons, or in defiance of all law." But was it in accordance with the principles of the constitution that the king should govern only in conformity to the wish of the Commons? Most certainly, no king yet had done so; and that he should be compelled to do so by stoppage of the supplies, if not in defiance of all law, was undoubtedly an attempt to alter the constitution. Waiving that question, however, this, at all events, is obvious, that practically the tendency of this was to place all power in the hands of the "heads" of that assembly," the House of Commons. It was, as we have said, a contest for power, on the part of an oligarchy. Thus Pym, when he

found Wentworth had taken office, swore to "have his head," and kept his word. It was a question of personal ambition, not of political liberty. What mattered it to the mass of the people whether they were ruled arbitrarily by a Stuart and a Wentworth, or by a Cromwell and a Vane? The mention of the name of Vane reminds us that meaner motives even than rivalry of ambition actuated the leaders in that great movement. For example, when Wentworth took the title of "Raby," he made a deadly enemy of Vane, whose ancestral hall bore that name, and who swore to be revenged. How well Vane and Pym kept their fell purpose of revenge, and by what low means they worked, and in what a savage, crafty, spirit, we have shown. It is no answer to say that the Stuart Sovereign and his minister Wentworth desired to rule without recourse to parliament, and intended to resort to a standing army. These things might be arbitrary, but they were necessary, if a king were to govern, and if England was not to renounce a monarchy. So far from its being our argument that they were not arbitrary, we have argued in former papers that the effect of the Reformation, by relieving the crown from the only power which could control it constitutionally, the moral power of the Church, was to make it necessarily arbitrary; necessarily, if it was to rule at all. The question was between the crown and the aristocracy, which should rule. It mattered nothing to the people, by whom they were to be governed arbitrarily; it was simply a contest for power; a struggle, not against arbitrary power, but for it. Tyranny, not liberty, was the prize contended for. Whichever party might win, the nation would have no freedom under such a system.

What did liberty really gain by the Rebellion? What of the boasted "Petition of Rights?" The first clause as to benevolences only re-established the statue of Richard III. and related only to the richer classes. The second likewise affirmed a principle of law, that no person should be committed to prison without lawful cause; but the leaders of the rebellion afterwards maintained that their own arbitrary order was a lawful cause; and practically the clause had no operation as regarded the great body of the people. The other two clauses were directed against billeting of soldiers, and punishment by martial law; practices, which, at the Revolution, and even since, have been perpetuated by act of

parliament. Meanwhile the same puritan oligarchy, who thus were seeking to exalt their own power under pretence of zeal for the national freedom, were remorseless in pressing for the execution of the penal laws. Nor was there ever any tyranny so odious as that which was exercised by the Long Parliament. Mr. Ward, in his remarkable "Essay on the Revolution," likens it to the tyranny of Nero and Domitian, and Mr. Hallam in his "Constitutional History," does not disguise a similar opinion. Indeed the fact is too flagrant to be questioned. So of the parliament in which Shaftesbury was paramount. Nor after the Revolution did the leader of the Whig party want the disposition to proceed to measures of tyranny less extreme. Mr. Macaulay shows how their cruelty was restrained by the policy of William; in the succeeding reigns they were only controlled by corruption. Yet in some instances, as in the cases of "privilege," they really assumed to exercise arbitrary power. The people were made the puppets with which, what Macaulay calls "the game" was played.

So was it under the second Charles and under James, as we showed in our last paper. We then cited the testimony even of old Whigs like Fox, and modern Whigs like Mr. Ward. But even Macaulay might be cited as a *testimony*. He describes the conspiracies of the Whigs against the crown, towards the close of Charles's reign, when (we agree with Lord John Russell) nothing had been done to warrant such conspiracies. "The leaders of the opposition (he says) revolved plans of rebellion, and to some of their accomplices it seemed, that to waylay and murder the king and his brother, was the shortest and surest way of vindicating the Protestant religion and the liberties of England." "The object of the great Whig plot," he says, "was to raise the nation in array against the government." In other words, virtually to dethrone the sovereign, and engross supreme power themselves.

They failed against Charles, because he was a professed Protestant. They succeeded against James, simply because he was "a Papist." All through the reign of his brother, the country had been disturbed by Whig plots for his exclusion from the throne, and Macaulay, not less than Fox, admits that the execrable "Plot" of Oates was worked by them for these vile ends. The same men, for the most part, pursued the same plot after James's acces-

sion. Heaven help him ! he had in his counsel men like Danby, who, fourteen years before had arranged with William to dethrone him ; men like Sunderland, ready to betray him ; and men like Halifax waiting for the betrayal they foresaw. " The Whigs," says Macaulay, " kept themselves out of sight as much as possible, and steadily supported every proposition tending to disturb the harmony which subsisted between the parliament and the court." That is, they worked in secret, they framed their machinations out of sight. One of their plots was Monmouth's Rebellion, and Mr. Macaulay exaggerates to the utmost the severities inflicted in its suppression ; while, at the same time, he avows that it was not only without palliation, but attended with every circumstance of aggravation. The Whigs made then, as they have ever since, the utmost use of the topic, and Mr. Macaulay is rash enough to compare the severities which followed that rebellion, with those which followed the rebellions of 1715 and 1745. James is accused of cruelty in suppressing an atrocious rebellion, but we shall see how rebellions, with infinitely less of guilt, if any at all, and indeed attended with every palliation short of absolute justification, were treated by the Whig ministries under the Georges. The Stuarts are called tyrants ; we shall see what was the tyranny of the Whigs ; when the " game" was played out, and they attained virtual sovereignty ; as the ministers of a revolutionary dynasty, ignorant of the language and institutions of the country.

It is singular that not only Blackstone, but Fox, should represent the reign of Charles II. as the era of liberty. The commentator says that in that reign " the people had by the law as large a portion of real liberty as was consistent with the state of society, and sufficient power in their own hands to assert and preserve that liberty, if invaded by the royal prerogative, for which," he adds, " I need but appeal to the catastrophe of the next reign." We have shown that James made no greater attacks on liberty than his predecessor, and that the " catastrophe" of James' reign was merely the triumph of an oligarchy. Serjeant Stephen, in his edition of the Commentaries, *alters the passage we have quoted, thus: " The people had a larger share of real liberty than they had enjoyed in this country since the Norman conquest,"* observing that " the truth of Blackstone's propositions may be doubted, at all events if it be intended to include religious liberty." True;

for at that era, the era of the Test act, which as Professor Amos remarks, although excluding Dissenters as well as Catholics, was warmly supported by the Dissenters, out of bigotted aversion to the Catholics. Yet at the Revolution the Dissenters were its ardent adherents, on the plea "of civil and religious liberty;" and they then again signalized their sincerity by joining in the cry for fresh penal laws against the Catholics. Mr. Warren, in his edition of Blackstone, leaves the passage above cited unaltered. Mr. Kerr, in his, the later edition, states it thus, that the people had a large share of liberty. Elsewhere he observes on Blackstone's eulogy upon our constitution, that "It must be understood of the constitution since the Revolution." He adds, indeed, that "Mr. Hallam has perhaps succeeded in showing that parliament, even in the days of the Plantagenets, wanted not sufficient ground for public liberty, as it was then understood; but the subserviency of the legislature to Henry VIII. and Queen Elizabeth, is not to be disputed; and the prerogative of Charles I. was much more extensive than that now possessed by the crown," and he adds, that the aristocracy from the time of the Revolution until the reform bill, had an unquestioned ascendancy. This is very much the view we have endeavoured in these papers to enforce. All the editors of Blackstone, however, maintain the great Protestant and Whig tradition, that the Revolution resulted in the full establishment of liberty. This we cannot admit; and it is enough to disprove it, that the Revolution itself was carried by fraud, and upheld by force. This we shall amply show. Who disputes it as to Ireland?

"The Protestant masters of Ireland, while ostentatiously," (says Mr. Macaulay,) "professing the political doctrines of Locke and Sidney, held that a people who spoke the Celtic tongue and heard mass, could have no concern in these doctrines." And was it otherwise as to their ideas of the *body of the people, even in England*? It is one of our objects to show that the mass of the nation derived not the least benefit from the Revolution, any more than the Rebellion. No doubt they were worse off in Ireland, in that they endured positive oppression to a greater degree. But as regarded the utter destruction of political power and rights, they were not worse off than the people of England.

It is shown in this portion of our history that all the

faults of arbitrary rule falsely, as we contend, imputed to the Catholic dynasty were really perpetrated, and not only so, but established into a system, under the Protestant. *We have shown this in our last paper; as to the reign of William more particularly,—cruel slaughters, sanguinary prosecutions, a standing army, arbitrary measures of every kind. We shall see it even more so under his successors. What says Macaulay of the results of William's rule in Ireland? It resembled that of Cromwell. "In Ireland there was peace. The native population was tranquil with the ghastly tranquillity of exhaustion and despair. It was the result of mere stupefaction and brokenness of heart. The iron had entered into the soul. The memory of past defeats, the habit of daily enduring insult and oppression, had cowed the spirit of the unhappy nation."* Such was Protestant ascendancy! What was there under our Catholic sovereigns that could compare with it?

And what of the people of Scotland; at all events of that part of Scotland which alone could be considered Celtic and Catholic; what of the Highlands? Not to mention the horrors of Glencoe, from which Mr. Macaulay in vain endeavours to exonerate his hero William;—what does he say of the horrors perpetrated on a larger scale under the two first Georges? "England put forth her whole strength. The Highlands were subjugated, rapidly, completely, and for ever. During a short time, the English nation breathed nothing but vengeance. The slaughter on the field of battle and on the scaffold, was not sufficient to slake the thirst for blood."

The men who *carried* the Revolution, it is confessed, were a set of scoundrels. Such is the concurrent testimony of Mr. Ward who wrote thirty years ago, and of Mr. Macaulay who writes to-day; both good Whigs. But were the men who *succeeded* to them any better?

That the whole object of the leaders of the Revolution was to secure themselves the possession of power, is plain from their subsequent conduct. Scarcely had the Revolution been effected, when its promoters became discontented. Danby had meant to dethrone James, but not to destroy his dynasty; and had hoped to govern in the name of William, while William was reigning in right of Mary. When William resolved to reign in his own right, he spread dismay and disappointment among the traitors.

So Marlborough, whose chief hope of power was in arms, was soon engaged in machinations to dethrone William, and intrigued with the Jacobites for the purpose. It is clear that Marlborough hoped, at one time, to play the part of Monk. Mr. Macaulay himself suggests the suspicions which might naturally have entered their minds. "What if this consummate dissembler should cheat both the rival kings? What, if when he found himself commander of the army and protector of the parliament, he should proclaim Queen Anne? Was it not possible that the weary and harassed nation might gladly acquiesce in such a settlement? James was unpopular because he was a papist, influenced by papist priests. William was unpopular because he was a foreigner. Anne was at once a Protestant and an Englishwoman. In her court, Marlborough, the husband of her adored friend, would be the chief director of the government. He would hold the whole power of England. He would hold the balance of Europe." No doubt. A tremendous prize to play for. It was the prize they all played for. This was the "game" which Mr. Macaulay described Vane and Pym as "playing." It was the game which Danby, and Godolphin, and Churchill, had played against James, and now were playing against each other. Marlborough failed for the present. He was detected and disgraced. Then of Admiral Russell, Mr. Macaulay thus speaks:—"This false and wayward politician had never failed to assure the Jacobites that he was bent on effecting a Restoration." He was to betray the fleet, and Marlborough the army. Dartmouth had been discovered in similar machinations and died in disgrace. Godolphin was one of the same base men whom Mr. Macaulay described as getting places, peerages, and favours, from William, and making promises and professions to James. So of Shrewsbury, whose duplicity seemed a second nature, a kind of curse entailed upon him for his apostasy, something he could not shake off. Clarendon was another of those double traitors. These things are to be noted in passing, as regards these treacherous machinations. First, they show that the object of the Revolutionists was simply self-interest. What cared they for the freedom of the nation (which they had made the pretext of the change of dynasty) whose only thought was to aggrandize their own wealth and rank, and power? In the next place, let

us notice an amusing fallacy of Macaulay—one of the many sophistries he palms upon his readers, when he endeavours to make them bow down with him before his idol William. He is never weary of eulogizing the magnanimity of his hero in affecting not to know of these machinations against him. Why, the truth is, he durst not disclose what he knew ; for he was surrounded by double traitors. There was not, except Portland and Nottingham, any one of rank about him, who was not engaged in these machinations ; and to have avowed his knowledge of them would have compelled him to denounce his entire court ; to decimate the peerage, or to have a counter Revolution. It was not magnanimity, but prudence and policy, which led the cold nature of William to appear ignorant of so universal a treason, and thus to assume a virtue which he had not. That he had it not, that he was as cruel as he was cold, is clear from his conduct in Ireland and the Highlands ; but it is also plain from another transaction, closely connected with those very machinations, about which his magnanimity is so vaunted by his eulogist, the attainer of Sir. J. Fenwick.

It is palpable, even from Mr. Macaulay's account of it, that Sir J. Fenwick's real crime was his being in possession of proofs of those machinations ; and the same policy which led William to pretend to be ignorant of them, led him to connive at the cruel policy of the Whigs—in the legislative murder of the man, who held these proofs in his hand. For, be it observed, that it was the Whigs who, even more than the Jacobites, were engaged in these conspiracies against William. This clearly shows that their motive in the Revolution had been the possession of power, and their motive now was disappointment and jealousy. Godolphin was named, with Shrewsbury and Russell, in Fenwick's confession, and, as Mr. Ward observes, it seems incredible that the latter should have been the main mover in the bill of attainder ! History records nothing more wicked than that bill ; and one of the Whig voices, raised most earnestly in its favour, was that of Cowper, whom even Macaulay stigmatizes as a profligate, who made use of this detestable bill to acquire power with his party, and who afterwards held the great seal under George. A more immediate result of the disclosure, was the opportunity it afforded the crafty and clever Sunderland to cast Godolphin from office. Sunderland was even made

one of the Regency, during the absence of William. Mr. Macaulay well describes the disgust of "plain honest men" at seeing this man who had been the main mover in James's measures, now occupying such high office under the usurper who had displaced him. "William did not understand these feelings. Sunderland was able and he was useful; he was unprincipled indeed; but so were all the English politicians of the generation which had learnt under the sullen tyranny of the saints to disbelieve in virtue; and which had, during the wild jubilee of the Restoration, been utterly dissolved in vice. He was a fair specimen of his class, a little worse perhaps than Leeds or Godolphin, and about as bad as Russell or Marlborough." That is, all the English politicians of that age were unprincipled and profligate. In plain English, a set of scoundrels. Exactly the conclusion to which we desired to conduct our readers; and which we are happy to convey in the nervous language of Mr. Macaulay. It is the conclusion which Mr. Ward stated still more tersely, and in terms more nearly approaching our own, when he said that, the "eminent men" who were concerned in the Revolution were "eminent rogues." This, however, is only a portion of the conclusion to which we have desired in these papers to direct our readers. The rest, and the most important part of it is this, that these unprincipled politicians engaged in the Revolution as a scheme for their own purposes; the attainment of power and wealth. This is shown by the continuance of their machinations with the same purpose, after the Revolution; and by the facility and treachery with which they conspired for or against the exiled dynasty, in order to attain it. That the Revolution was intended for the end, is, of course, pretty strong proof that it was calculated for it; and that the settlement of the constitution it effected, was most fitted to afford a field on which to carry on the intrigues of an oligarchy for power. And this we shall find, in the history of the succeeding reigns; we shall find it a mere history of rivalry for power.

It is a curious circumstance, and speaks volumes for the arbitrary and offensive nature of William's rule (*pace* Mr. Macaulay) that some of the earliest Jacobites, or at least malcontents, were some of those who were most concerned in bringing him over. For instance, Danby, who had been engaged in machination with him fourteen years

before the Revolution, appears to have had no idea of totally displacing the Stuart dynasty; and to have been disgusted when he found William determined to have the crown by his own sole right, and not merely in right of his Consort. His having no children would of course tend very much to lessen the importance of the question, so far as he was concerned. And, as regarded his successor Anne, it was not that a dynasty was displaced, but the line of succession disturbed. Men of both parties, Whigs and Tories, friends of the Revolution and its opponents, might serve her, with different views of course as to the future: and, in fact, her reign was not disturbed by Jacobite rebellion. The hopes of the Jacobites were in the succession of the young Stuart, to which it is notorious that Anne was herself friendly. Indeed her scruples of conscience were so great, that at one time she sought to resign the throne to her brother, but, unhappily, she consulted an Anglican bishop, who told her that if she did so she would be in the Tower in a month, and in the tomb in a year. The poor weakminded woman was frightened, and she lived on a few more wretched years of lingering remorse which at last killed her. There can be no doubt that this feeling of remorse led to the change of ministry during those latter years of her reign, when Bolingbroke and Harley were substituted for Marlborough and Godolphin. Nor can there be any doubt that the Tory Ministry were in hopes of replacing the Stuarts on the throne. Indeed, how little averse Marlborough himself was to this, is manifest from the fact that William, during nearly the whole of his reign, was so satisfied of Marlborough's disgust for himself, and inclination towards the dethroned family, that he would not employ him; and, on the other hand, George I. had a bad opinion of Marlborough on account of his unprincipled conduct in the wars he had been permitted to mismanage at his pleasure under Anne. We mean mismanagement, not of course in a merely military sense, but in the political sense, so far as regarded the object with which the wars were carried on, which was merely his own self-aggrandizement.

So long as he was allowed to enrich himself at the nation's expense, of course Marlborough was contented with the state of things. But when he lost supremacy, there were no reasons why he should not have been inclined to a change of dynasty, at least if he thought he should benefit

by it. But then, on the other hand, he was not a man to venture anything. It was very well to run away to a formidable invader, but it was another thing to attempt to resist one. So Marlborough on the whole, at all events, was not active in the Tory intrigues to restore the old dynasty. Not so with his old colleague Shrewsbury. The wretched Duke, who brought a curse upon his house by a despicable apostasy, could not be expected to display towards man any more than God, the virtue of fidelity. Having concurred in inciting the invader to dethrone his lawful sovereign, who would not imitate his own apostasy, was now as ready to concur in bringing back his son when he thought it might be to his interest. So he joined heartily with Harley and with Bolingbroke to restore the Stuarts. When, however, he thought this hopeless, he betrayed the cause he had espoused, did his utmost to support "the Protestant Succession," and was in office under George I.

So lately as 1713, the last year of Anne's reign, Marlborough wrote to the Elector of Hanover, "I shall always be ready to hazard my fortune and my life for your service." In the same year he solemnly protested to a Jacobite agent "that he had rather have his hands cut off than do anything prejudicial to King James's cause." Nay, this is not all. After the accession of George I., when Marlborough was Commander-in-chief, and a member of the Cabinet, "he sent a sum of money to France, as a loan to the Pretender, *just before the rebellion of 1715, which this money no doubt assisted in raising.*" We quote the words of Lord Mahon, an ardent admirer of Marlborough, (whom, after proving to have been a miscreant, he calls "the illustrious!") and he refers to the "Stuart papers," where the actual proof remains on record of what otherwise did appear an incredible depravity. But we refer to the fact, not merely as heaping on the memory of Marlborough a needless addition of infamy, but as showing how strong must the feeling have been, even among the original *partisans* of the Revolution against the entire exclusion of the old dynasty. And if this was the feeling, even among them, how much stronger must it have been among the mass of the people, who had no direct interest in the maintenance of the new system?

Lord Mahon, who thinks we ought to regard the Revolution with "reverence," admits that the nation was

against it, especially after the Act of Settlement, which excluded the Pretender. "There was a very general wish to see still upon the throne some descendant of Charles I." "Under the influence of these feelings a very considerable number" (he elsewhere, as we shall see, says the greater number,) "of the landed gentry and of the high churchmen, began to cast a wistful look of expectation towards St. Germain's." He quotes a Jacobite agent, by whom, "in 1717 it was said that many who wished James well, would not hazard their estates for him. If he came with 10,000 men, it is thought there would not be a sword drawn against him. There are, besides, a set of men well disposed, (i.e. towards the Stuarts,) who have taken the oaths to the government only by form,—these are very numerous in the two kingdoms. Besides these, (continues his Lordship,) besides the steady old Jacobites, besides the whole body of the Roman Catholics, the Court of St. Germain's also received promises of support from several leading ministerial statesmen." "The extent of this infidelity," he adds, "is truly appalling." At all events it is very striking, and proves beyond a doubt that those shrewd unscrupulous men found the national feeling so strongly in favour of the exiled dynasty, that their safety and interest required that they should keep well with it.

They, however, were not prepared with the means which their enemies had taken care to provide. Lord Mahon says, "The Whigs, on their part, were found *much better prepared*," (i.e., to overrule the resolutions of the nation as evinced at the late election,) "having already, under the guidance of Stanhope, entered among themselves into an *organized association, collected arms and ammunition, and nominated officers*. They had in readiness several thousand figures of a small fusee in brass, and some few in silver and gold, to be distributed among the *most zealous followers*, and *most active chiefs*, as signals in the expected day of trial. Stanhope was now taking every measure for *acting with vigour*, if necessary, on the demise of the Queen, to *seize the Tower*, and to *secure in it the persons of the leading Jacobites*." Some of them, indeed, were actually seized and imprisoned for two years after the accession of George I., a fact Lord Mahon omits to mention. "No precaution was neglected to ensure tranquillity and to *check disturbances* in any quarter where they

might arise." If they arose at all, it would only be through the national feeling being in favour of the excluded dynasty, since it is plain that no measures had been concerted by the Jacobite ministry to cause disturbances. They were "not prepared." The Whigs were. Lord Mahon formally states it as his opinion that the Tories at the end of Anne's reign were *the more numerous*, and composed the bulk of the landed proprietors and parochial clergy. That is, they had in every sense the better portion of the nation. And what had the Whigs, the partisans of the Revolution? "They had nearly the whole of the *monied interest*." That is, the strength of the Revolution party now was *money*. And so we shall find it, all through the history of that age. The history of parliament then was a history of iniquity and corruption. The result of the last general election under Queen Anne was greatly in favour of the Tories and Jacobites. In a year or two she died, and what had the Revolution to rely on? Force and fraud. On the confession of Lord Mahon, the descendant of one of the great Whig heroes of the hour—Stanhope—these were the means they resorted to. He states what, as he himself remarks, shows the bad opinions entertained of the Queen's councils, but what we should say rather showed no dread of a Stuart successor, "that the funds rose considerably on the first tidings of her danger, and fell again on a report of her recovery." Surely this, coupled with the results of the late general election, showed a desire that her Jacobite or Tory ministers should have as soon as possible the power to secure a Stuart successor.

Who were the partisans of the exiled House of Stuart? Who were they who first had the name of Tories, the Jacobites, those who desired to restore the dethroned dynasty? We say those who desired their restoration, not merely those who at times pretended to desire it, and corresponded with the Pretender. For these included many among those who had been chief agents in the Revolution. Even the scoundrel Churchill, Duke of Marlborough, had, when disgusted with William, betrayed him to James. And much later, the great whig, Argyle, was found receiving letters from the Pretender, speaking of "the Duke's" "assurance of support." Walpole himself pretended to correspond with the "Pretender," doubtless the better to defeat him, taking care always

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to show the Pretender's letters to the king; it is not said whether he showed his own, anyhow there is a tinge of meanness in the thing perfectly Walpolean. There were many pretended Jacobites in the ranks of whigism. There were many Jacobites, who were ready to enter the ranks of whigism. There were, however, some really hearty and honest Jacobites, who truly desired the restoration of the Stuarts. All were called Tories, the distinction was the former eventually took office; the latter never.

Probably in truth the two classes were originally one, and all the Jacobites were once sincerely so, but time and the soft infection of corruption ultimately blended most of them with the supporters of the new dynasty. At this time, the Tories or Jacobites included the bulk of the landed gentry. Some were so well known to be its enemies, that on the accession of the first George, they were actually, as happened to Granville, arrested and imprisoned. Others, like Sir J. Pakington, ancestor of the member for Worcester, were imprisoned on the first rumour of rebellion. Then there were many, like Sir John Hinde Cotton, known to be disaffected to the reigning dynasty. But chief of all was Shippen, "honest Shippen," as he was called,—among the faithless, faithful only he. The only man of whom Walpole said he did not know his price. An incorruptible man by the confession of all, who retained his stubborn Jacobitism to the last. He tried to evade the oath to George I. Walpole was present, and imagining that Shippen did not kiss the book, made him take it again,—“Ah, that was not fair, Robin,” said Shippen. He and Walpole, curiously enough, had some distant kinship, and they seem to have regarded each other kindly.

How does Lord Mahon describe Walpole's conduct when out of office? Almost from the first moment he left the Treasury, (in 1717) until the moment he returned to it, he uniformly and bitterly opposed every measure of the Government. No regard for the public, no feeling for his own consistency ever withheld him. He unscrupulously leagued himself with Shippen, Wyndham, Bromley, and other decided enemies of the reigning dynasty, inasmuch that Shippen on one occasion expressed his satisfaction that his friend Walpole was no more afraid than himself of being called a Jacobite. We find him joining the outcry against a standing army, (there was no standing army under the Stuarts, who are deemed arbitrary,) arguing against

the Mutiny Act, and exclaiming, in the heat of debate, He that is for blood shall have blood! In short, added Lord Mahon, his conduct out of office is indefensible, and undefended by his warmest partisans, even by Archdeacon Coxe, and Lord Mahon, though his apologist, and something more, even his admirer and eulogist, is compelled to characterize him as "reckless, turbulent, and restless," when out of office, and says he "crept back" to it in a most humiliating manner, and was so void of principle, that with all his pretended tone of peace, if the choice lay between a foolish war and a change of administration, he did not hesitate to prefer the former.

But some intrigues were to take place before his attainment of supreme power, and the first effect of the Septennial Act was, to secure the Whig tricksters leisure to prosecute those intrigues for power which formed on their parts the real motives for the Revolution. Sunderland and Stanhope were soon intriguing to eject Townshend and Walpole, and they succeeded; and it transpired subsequently that the immediate result was to dispose Walpole in revenge to join the Jacobites! He who so lately had been urging severities against them! In one of those arbitrary seizures, which were of constant occurrence under the Georges, papers were found in which the name of *Walpole* was mixed up with the plots of the malcontents! "A creature of Lord Oxford" having been arrested, a correspondence was discovered, in which a Jacobite emissary wrote thus: "I do not know whether Mr. Walpole's expressions were the effect of his past rage, on account of his brother-in-law, Lord Townshend, being removed, or whether they came from his heart." It is obvious that in his "past rage" he had talked of "treason" for the sake of revenge; he who had recently so cruelly revenged it upon others, in whom it was the result of loyalty. But his cooler judgment prevailed over the hasty impulse. He deemed it more for his *interest* to be "loyal." He saw it was his *safest* path to power, and *surest*.

The Septennial Act, Lord Mahon distinctly states, was passed in order to avoid an appeal to the nation, which, he says, might "probably have resulted in a Jacobite majority." In other words, in reversing the revolution and in restoring the exiled dynasty. How *unconstitutional* the measure was is plain from the arguments of its

supporters. Preston said it was the era of the emancipation of the Commons from dependence on the Crown and the House of Lords, (or it might be added,) on the *nation*. A ministry once possessed of a majority in the Commons, by means of corruption, might thus defy the Crown, the Peers, *and the nation*. This was clearly seen by Walpole. It formed the pivot, the secret, of his policy. It secured impunity to tyranny, and immunity for corruption. Its first great result was to gain him twenty year's tenure of power, in which he rivetted the yoke of tyranny on the nation.

The moment the Whigs were in power they proceeded to gag and to crush all their opponents, the adherents to the exiled dynasty. Walpole, who had in 1712 been sent to the Tower for defalcations and peculations in his office of paymaster, and Aislachie, who was soon to prove himself a swindler, joined in perpetrating upon their principal opponents that oft-repeated pretence for imprisonment—impeachment. That it was a pretence, and that all the charges of “high treason” were trumped up, no one now of any authority scarcely denies. But the hypocrisy of the pretence will appear more flagrant, when we recollect that at the very time the Whigs were persecuting Bolingbroke and Oxford for having attempted (as it was alleged) to exclude the Hanoverian George, some of them who had actually sworn allegiance to him, Marlborough for example, were actually machinating to restore the Stuart James! In noticing these machinations of Marlborough, while yet Queen Anne lived, Lord Mahon observes, that they were not hostile to herself, and merely regarded her successor. Surely this is a justification which applies rather to Bolingbroke and Oxford than to Marlborough, who, over and over again, took the oath of allegiance to a sovereign whom he was conspiring to dethrone.

And then, what of the measures taken for and after the suppression of the rebellion in Scotland? Lord Mahon shows that Argyle, who commanded for the government in Scotland, “considering the chance of invasion from France, or insurrection in England, was unwilling to act too rigorously against the Chevalier, and to cut off all hopes of future power if that party should prevail.” He adds, “there never was a more fickle and selfish politician.” We have already seen that Marlborough had by remittances of money actually fomented this very rebellion!

Nevertheless it was at last suppressed. And these Whig members hypocritically descanted upon the "guilt of the rebels," who had been encouraged by Whig money; and Walpole—already branded even by a Whig parliament with pecuniary dishonesty—was urgent for severity! He "had his reward." The dull spirit of the German Sovereign was only moved to gratitude by any indications of blood-thirstiness against the friends of the exiled dynasty. Their readiness for measures of severity rivetted the rule of Townshend and Walpole. Honest Lord Nottingham was dismissed for speaking in favour of lenity to the hapless victims of loyalty.

What does Lord Mahon say of the trials which followed? "It may be doubted whether in these proceedings a tone of calmness and forbearance was in all cases sufficiently preserved by the judges. Chief Baron Montague rebuked a jury for acquitting some persons indicted of treason. Lord Chancellor Cowper refused the rebel lords the benefit of counsel, and in passing sentence on them "could not refrain from inveighing against their religion, and advising them to choose other spiritual guides in their dying moments." In our last paper we noticed the judicial atrocities committed under William, and let those who talk of Jeffreys remember Montague, Holt, and Trevor. Jeffreys' was never convicted of any worse violations of law or justice, and he at least enforced the right of a legitimate sovereign. But the Whig judges deliberately and systematically prostituted and perverted the law to gratify the vengeance of a new dynasty against the adherents of the old. It is insufferably hypocritical and unbearably absurd that men should exclaim against the "severities" of Jeffreys or of James as reasons for the revolution, and yet be adroit in finding excuses for the immeasurably greater atrocities, indecencies, and iniquities which polluted the very name of justice after the Revolution. If the former were adequate reasons for excluding a dynasty, were not the latter equally adequate?

When the plot of 1722 broke out, and Bishop Atterbury was arrested, he was treated in the Tower with such severity and indignity, such hardships and cruelty, that even Lord Mahon allows his reproaches were well founded. "He was encouraged, or permitted to write private letters, which were afterwards pried into and made use of

to support the accusation against him. He was restricted in his only consolation, the visits of his beloved daughter ; nor was he at first allowed to prepare freely for his defence with his son-in-law." These are Lord Mahon's words, and he adds : " His son-in-law used to stand in an open area, and the Bishop to look out of a two pair of stairs window, and thus only were they allowed to converse." Even when his daughter came to see him an officer was present. If this was the way in which a prelate was dealt with, we may imagine what became of common persons. And if this was the treatment of accused Protestants, we shall be less surprised to find that measures as harsh and oppressive were dealt out to the whole body of Catholics. Walpole borrowed a leaf out of the book of his supposed ancestor, Cecil, and used the plot for the purposes of plunder. He actually imposed a fine of £100,000 on the whole body of the Catholics ! Even Whigs like Orslow and Jekyll protested against this unscrupulous piece of villainy. We need scarcely say that Archdeacon Coxé approves of its " policy !"

Meanwhile, what was the state of feeling in the country ? Was it friendly to the new dynasty ? Quite the reverse. Let Lord Mahon describe it. " Riots and outrages were increasing in every part of the country." " Against such proceedings it was thought requisite to point a sharper law, and recourse was had to the Riot Act, which before then had only been temporary, but was now made perpetual with increased powers. It provided that if any *twelve* persons should be unlawfully assembled," (which practically meant, as the sequel shows, assembled against the interest and will of the ruling power,) " to the disturbance of the peace," (which meant practically, in the professed opinion of any person who could be got to make a deposition that there was " disturbance of the peace,") " and any one justice" (the staunchest Whig in the county) " should think proper to command them by proclamation to disperse ; if they refused to do so for the space of an hour, they should be punishable, without benefit of clergy," i.e., punishable with death, liable to be shot by any troops that could be procured, as under martial law !" Could a more arbitrary measure have been devised ? Was it not literally ruling by military force, and putting all England under martial law ?

Such a law had never been enacted or attempted under

the Stuarts. It was invented by the Tudor tyrants. It was revived by the new dynasty, by whom it was "rendered perpetual, and with increased powers," for the purpose of repressing popular feeling in favour of the ancient line of sovereigns. Under this law, if a dozen persons should assemble to consider of the state of public affairs, a Whig justice could summarily disperse them by military force. While, on the other hand, the Whigs, as we have seen, had just secured the succession of the new dynasty by an extensive organization, with arms and ammunition. The new measure literally *gagged* the nation, and so far as England was concerned, suppressed by force of arms any movement in favour of the Stuarts. But in Scotland, which was farther from the seat of government, and where the "standing army" scarcely extended, a rebellion broke out at once. It was sympathized with in England. Bolingbroke, at Paris, received not only from Scotch noblemen, but English, assurances of support; for instance, the Dukes of Ormond and Powys, Earl Jersey, and Lord Lansdowne.

Now every one remembers the outcry made against Charles I. for what is called his "arbitrary arrest of the six members," whom he knew to be plotting against his sovereignty. But the glorious government of the Revolution did not hesitate to exercise the same arbitrary power, and to seize and arrest those peers, and six members of the House of Commons, Sir J. Pakington, Sir W. Wyndham, &c., on pretended "suspicion" of treason, the only ground of suspicion being that they were known to be friendly to the exiled dynasty. It was found, indeed, that all through the country there were preparations for rebellion. This is what we are contending, that the nation was adverse to the new dynasty, and that it was imposed upon them by force and fraud. The excuse for its increased severity urged by Lord Mahon, is that such measures were necessary for its security. No doubt. But they were arbitrary. It is true they were necessary, that is what we contend. But then the argument, if valid for an illegitimate government, was, to say the least, valid for a legitimate government, and it is good for James or Charles, if good for William or for George. They were measures fully as arbitrary and as necessary as any that had been resorted to by the exiled dynasty.

Lord Mahon admits that the government "became

unpopular through its measures of defence," and he says "under these circumstances a general election would have resulted in a most formidable opposition, and perhaps a Jacobite majority." A clear confession that now, as in the later years of Queen Anne's reign, the feeling of the nation was friendly to the exiled dynasty. This is the more important because it involves a belief on the part of the nation in the falsehood of the Whig calumny, that James had falsely imposed a supposititious heir on the nation, a calumny which was the main means by which the Revolution had been carried. Therefore, the feeling in favour of the exiled sovereign evinced a belief in the nation that it had been betrayed and deluded at the Revolution; that the Revolution and the act of settlement had been carried by lies, and that the whole fabric of the new system rested upon force and fraud. This was the fact, as history plainly showed. That the Revolution was carried by means of the most wicked lies, is the language of old Whigs like the late Mr. Ward; that it was maintained by force, and by the most unscrupulous use of it, the events we notice demonstrate.

So strongly was this difficulty felt, that, as we have seen under William, the Whig lawyers had tried by false evidence to prove a plot against the life of the actual sovereign. In the case of George I. this was out of the question, and it strongly supports the view we are suggesting, that these trials for treason were, at all events, even had they been fair and legal, not constitutional, that the Whig ministers of George, in 1715, although they took the lives of such of the Scotch nobility as were actually seized in arms, did not venture to bring to trial for treason any of the numerous English nobility and gentry they had ventured to arrest, who were undoubtedly implicated in the Rebellion. Not one of these was brought to trial, and it was only on the unhappy Scottish rebels, that the dull German and his servile Whig satellites dared to wreak their mean and sanguinary revenge. But never let it be forgotten that the law of treason (even supposing it fairly applicable) was not fairly administered against them, that it was perverted, and unfairly administered, with every circumstance of cruel indecency.

The spirit of discontent and disaffection seemed, says Smollet, (writing of the reign of George I.,) to gain ground every day in England. They who celebrated the anniver-

sary of the king's birthday, with the usual marks of joy and festivity, were insulted by the populace; but at the anniversary of the Restoration, the city was lighted up with illuminations, and echoed with the sound of rejoicing. We remember somewhere in Horace Walpole's Letters, it is mentioned that Lord Mohun, the Whig bully of that age, *compelled* the people to have the bells rung on the anniversary of the accession of King George. What means of terror and compulsion were resorted to in order to suppress the signs of popular aversion for the new dynasty, may be conceived from a single instance. One Bournois, a schoolmaster, who was heard to say, "that King George had no right to the throne," was tried and scourged through the city with such severity that in a few days he expired in the utmost torture. A sentence which could not be legal, and which is passed over in silence by the historians, who are eloquent in execrations about the *legal* severities of Jeffreys.

How does Lord Mahon describe the horrors inflicted on the Highlanders in 1745? "Every kind of havoc and outrage was not only permitted but encouraged. Military license usurped the place of law, and a fierce and exasperated soldiery were at once judge, jury, and executioner. The rebels' country was laid waste, the houses plundered, the cabins burnt, the cattle driven away. The men had fled to the mountains, but such as could be found were frequently shot; nor was mercy always granted even to their helpless families. In many cases the women and children, expelled from their homes, and seeking shelter in the clefts of the rocks, miserably perished of cold and hunger; others were reduced to follow the track of the marauders, humbly imploring for the blood and offal of their own cattle, which had been slaughtered for the soldiers' food. But let me turn from further details of these painful and irritating scenes, or of the ribald frolics and revelry with which they were intermingled; races of naked women on horseback, for the amusement of the camp." All these horrors and indecencies, under the personal sanction and in the actual presence of the king's son, the Duke of Cumberland! Would Lord Mahon have shrunk from "further details" if the story had been of James instead of George, of the insurrection of the west instead of the Rebellion in the north? Every one knows how elaborately Macaulay and Mackintosh, and the whole

host of Whig writers, admirers and eulogists of the Revolution, elaborate what they call the atrocities of the legal severities inflicted after the Monmouth rebellion. Yet Monmouth's rebellion was, as Mr. Macaulay allows, without the shadow of excuse. He was indeed a "Pretender," and an impudent pretender. He was not the true heir of the lawful sovereign, seeking to recover a kingdom undoubtedly his by the ancient constitution of the realm. He was a mere upstart and usurper. Yet there were no severities, legal or illegal, inflicted on that occasion at all comparable with those suffered by the Highlanders in 1745.

What happened after the battle of Culloden? "Quarter was seldom given to the stragglers and fugitives, except to a few *considerately* reserved for public execution. No care or compassion was shown to the wounded; nay, more; on the following day most of these were put to death in cold blood, with a cruelty such as never perhaps before or since disgraced a British army. Some were dragged from the thickets or cabins where they had sought refuge, drawn out in line, and shot; while others were dispatched by the soldiers with the stocks of their muskets. One farm building, into which some twenty disabled Highlanders had crawled, was deliberately set on fire. The prisoners were scarcely better treated." And all this with the personal sanction of the King's son, who vindicated these terrible atrocities by a lie more disgraceful still, inventing a story of an order on the side of the insurgents to give no quarter, a *lie* of which Lord Mahon with evident contempt says: "This *pretended* order was never shown nor seen, and it is utterly at variance with the insurgents' conduct in their previous battles." In fact, nothing is more clear than the extreme humanity and generous forbearance shown by the Pretender.

The Duke of Cumberland (says Macaulay) earned the name of "Butcher," and the epithet "Bloody," by the horrible cruelties he perpetrated in the Highlands, scarce a century ago, spreading over whole districts a desolation which still covers them with gloom, and has been in our own days made the excuse of a cruel policy of expatriation, which has well nigh utterly extirpated the hardy race of Highlanders.

Surely neither Ireland nor Scotland have had very great

reason to rejoice at the Revolution, or at the expulsion of a Catholic dynasty.

And what of England? This is the question to which we desire chiefly to direct attention, with a view particularly to show that as regards the aristocracy the result of the Revolution was simply to make political power a prize for them to struggle for; and the struggle for it a "game" at which they might "play," and at which they were playing under the sovereign whose reign succeeded the Revolution; the bulk of the people having no share whatever in political power, and no real interest in these struggles of party; whose rule was against the will of the nation, and only maintained by the weapons of fraud and force. Well might the Prince ask in a proclamation which Lord Mahon truly calls spirited, "Have you found more humanity and condescension in those who were not born to a crown, than in my royal forefathers?" In a strain of indignant sarcasm the Prince proceeded, "Do not the pulpits and congregations of the clergy, as well as the weekly papers, ring with the dreadful threats of Popery, slavery, tyranny, and arbitrary power? Is not my royal father represented as a bloodthirsty tyrant breathing out nothing but destruction to all those who will not embrace an odious religion? Yet listen to the naked truth, I come into Scotland attended by seven persons; I publish the king my father's declaration, and proclaim his title with pardon on the one hand, and on the other liberty of conscience, and the most solemn promises to grant whatever a free Parliament shall propose for the happiness of the people." There is touching pathos in what followed, "As to the outcries formerly raised against the royal family, whatever miscarriages might have given occasion for them, have been more than atoned for since; and the nation has now an opportunity of being secured against the like for the future. That our family has suffered exile for fifty-seven years everybody knows. Has the nation during that period of time been the more happy and flourishing for it? Have you found reason to love and cherish your rulers as the fathers of the people of Great Britain and Ireland? Has a family upon whom a faction unlawfully bestowed the diadem of a rightful prince, retained a due sense of so great a trust and favour?"

It is evident that, Lord Mahon found great difficulty in parrying the force of those appeals; and he does so only by

resorting to his Protestantism. He can say nothing better than that he thinks the country did well to prefer the Protestant tolerant and enlightened government. And Mr. Macaulay with more fertility of resource and less scrupulous energy, can only enlarge upon that theme; but even he can only make a case by the entire suppression of all that was intolerant in the rule of the new dynasty, and aggravating to the utmost, and with every art of misrepresentation, whatever was obnoxious under the old.

But how, except by confidence in the ignorance of their readers, can historians, such as Lord Mahon and Mr. Macaulay, or constitutional writers from Blackstone down to Creasy, talk of the Government of the new dynasty as *tolerant*? Why the first thing that was done was to enact new penal laws against the Catholics; and the penal laws were again and again taken advantage of by the infliction of arbitrary fines, (as when Walpole raised £100,000 on the estates of Catholics), and remained in force until the middle of the reign of George III., when they were repealed only in consequence of the fear excited by the prolonged struggle with America, and the impending war with France. These laws exposed priests to punishment, who celebrated the mysteries of religion; forfeited the lands of "Popish heirs," and gave the Protestant relatives the power of seizing the property of Catholics! "It could not be said," observes Lord Mahon, "that these laws were never enforced; in some instances they were; and Sir George Saville declared that he was himself aware of cases in which Romanists were living, not only under terror, but even under pecuniary payments to informers in consequence of the powers that the law conferred."

Now let it be observed that these penal laws were not repealed until 1778, under pressure and terror of public peril; and that political disabilities were continued during the whole of the century. What *decency* is there then in claiming credit for the Government of the new dynasty as "tolerant" or "enlightened?" What decency is there in the plea of necessity or expediency; or for the long continuance of these oppressive laws, as if tyranny ever wanted a similar excuse! or what decency is there in claiming credit for relaxations of the much milder restrictions imposed on the Dissenters, who were *in favour* of the reigning dynasty; as if it could ever be a merit in a Government to be liberal and indulgent to its adherents!

No ; penal laws in political disabilities were imposed by the Revolution Government, and were not repealed except on compulsion.

One mode of upholding the revolutionary settlement was by the suppression of public opinion ; and this was remorselessly resorted to on the part of the crown in all the subsequent reigns. The attainders of Russell, Sidney, and Cornish were reversed by the convention Parliament upon technical rather than substantial grounds. It would have been a substantial ground, that it was perilous to convict a person of treason on the evidence of mere paper ; the possession, or even reading, or writing, or printing of which might be consistent with the absence of any formed and complete purpose ; or of any such overt act, as could justly be deemed "compassing" the dethronement or death of the king. And be it observed that except in the case of Cornish, the convictions for treason under *James* were for the most part upon overt acts of treason ; the actual bearing of arms against the Sovereign. And the case of Cornish, not only was in conformity with the precedents of Sidney and Russell under Charles, and was followed by *a host of cases after the Revolution*, but it was a case of peculiar aggravation, which if any case possibly could, might excuse a resort to the strictest letter of the law, for Cornish had, when sheriff, prostituted his office for the packing of juries to secure the judicial murder of Catholics under the horrible "plot" of Titus Oates, a fact which Echard notices, but which Macaulay (of course) takes care to suppress. There was no such extenuation for the judgment of constructive treason which took place in the subsequent reigns, upon the mere possession of papers. Mr. Hallam says truly that the Jacobites against whom the law now directed its terrors, as loudly complained of Treby and Pollexfen as the whigs had of Scroggs and Jefferies, and weighed the convictions of Ashton and Anderton against those of Russell and Sidney. The difference is that for the most part these complaints have been suppressed by all subsequent writers, and even Hallam omits mention of the atrocious instances of Fenwick and of Friend ; and also omits to notice the broad distinction between the cases of Russell under Charles, Cornish under James, and the cases of Ashton and Anderton under William, that there was, at all events, in the former cases, positive evidence that the prisoners approved

of, and were parties to the treasonable purpose ; whereas in the latter cases the evidence was wholly wanting ; and Hallam, although he mentions that Roger North in his *Examen*, says it was hard to show that the evidence in Ashton's case was stronger than in Sidney's, himself undertakes to apologize for Ashton's conviction. He states truly the whole case against him thus : " Ashton was a gentleman who, in company with Lord Preston was seized in endeavouring to go over to France with an invitation from the Jacobite party." That was the whole case ; and he adds, " It was left to the jury whether they were satisfied of his acquaintance with the contents of the papers taken about his person ;" which Mr. Hallam thinks Holt was quite right in leaving to the jury : without an atom of positive evidence on the point, the only proof given, being that the prisoner tried to throw the papers overboard ; a fact which might be accounted for, by his suspecting, from the very seizure, danger to some persons who had employed him ; and even assuming that he was acquainted with the contents, that would prove rather misprison of treason than treason ; even supposing, what we very much doubt, that a man could be convicted of treason for adhering to his rightful and lawful sovereign, especially as at this very time the parliament refused to confer on William that title of " rightful and lawful" knowing it belonged to James. But waiving that, at all events we find a prisoner convicted before Holt of treason, on the mere possession of a sealed packet of papers purporting to be of treasonable character. And what is Mr. Hallam's apology ? " There does not seem any reason why presumptive inferences are to be rejected in charges of treason ;" perhaps not, supposing the evidence conclusive ; but how is it that whig writers exclaim against the condemnation of Sidney himself and Mrs. Lisle on presumptive evidence ; and how is it that these convictions were reversed by parliament upon pretence of the absence of positive proof ? If presumptive evidence, says Mr. Hallam, is admitted, the evidence against Ashton was such as is ordinarily reckoned conclusive, and he adds that it is stronger than that offered for the prosecution of O'Quigley at Maidstone in 1798, a case of the closest resemblance ; and yet I am not aware that the verdict in that case was thought open to censure." Probably not ; shall we tell Mr. Hallam the reason ? The prisoner was a Popish priest. He is quite right in saying that the case

was "of the closest resemblance," for the poor priest was convicted, and executed, merely because there was found in his coat pocket hanging up in a public room, a letter held treasonable; purporting to relate to some invitation of aid from France. The cases therefore were of "the closest resemblance." And Mr. Hallam, that great constitutional writer, holds both convictions justifiable; that is, convictions for treason, on the mere possession of a paper purporting to relate to a treasonable purpose! And yet these very same writers profess to be scandalized at the conviction of Sidney on similar evidence! Any how, (and this is what we are at present concerned to show,) men were so convicted under the Protestant dynasty, and *how?*

Even Mr. Hallam is shocked at the infamous conduct of Holt at the trial of Ashton. "No judge in modern times would *question*, much less *reply upon* the prisoner, as to material points of his defence, as Holt and Pollexfen did on this trial." Oh but this is only half the truth, as usual with Protestant writers. Holt did not merely question and reply upon the former as to material points of his *defence*, but he *cross-examined* him and *pressed*, and *replied* upon him, as to the material points of the *charge*; and again and again challenged him in the most indecent manner to explain why he had tried to throw the papers overboard, and so on, that being the only fact of the case which afforded the slightest particle of presumptive proof against the poor man at the bar; who left a paper behind him not denying any portion of the truth, but solemnly asserting, what the Jacobites declared to be true, and *was never denied*, and must have been notorious to hundreds, that the real reason for his trial and execution was, that he was found to have in his possession papers proving the falsehood of what Mr. Ward truly calls the lie, under cover of which William got possession of the crown; the lie as to what was called the "pretended" birth of the Prince of Wales. Yet notwithstanding all this, Macaulay with that unscrupulousness which characterizes him, declares that Holt's conduct on the trial of Ashton was "admirable." No doubt William thought so, and the double traitors who stood around his throne trembling lest their double treason should be discovered! some of them at that very time corresponding with James, while cruelly pursuing to the gallows one

of his adherents who held possession of papers which might disclose their falsehood. But bad as was Ashton's case, it was nothing to Anderton's. Even Mr. Hallam says, "It is perhaps less easy to justify the conduct of chief-justice Treby in the trial of Anderton for printing a treasonable pamphlet; the testimony came very short of satisfactory proof, according to the established rule of English law." Waiving this, however, Mr. Hallam goes on to what is far more important. "There seems, however, much danger in the construction which draws printed libels, unconnected with any conspiracy, within the law of treason." No doubt. And the real reason for Anderton's execution was the resolution of the Government to suppress the Jacobite press.

Mr. Hallam truly states that Holt and his brother judges actually laid it down as a law after the Revolution, that to possess the people with an ill opinion of the Government, that is of the ministry, is a seditious libel. This was laid down in the case of Petchus, and under Anne, the court laid down in the case of the Rev. Mr. Stephens in passing sentence for a libel on Marlborough, that to traduce the Queen's ministers was to reflect on the Queen. In 1728 a printer was arraigned by the attorney-general for publishing a paper reflecting on the "late and present king," and "drawing odious comparisons" and insinuating that the Government was tyrannical, and the ministers corrupt; charges which were notoriously true, and which every one now allows to be so, but related entirely to the public conduct of the Government. The prisoner was convicted and sentenced to hard labour. So were a host of others on similar charges. So in 1731 when Philip Yorke, afterwards Lord Hardwicke, was Attorney-General, and Walpole was minister, Franklin, the printer of the *Craftsman*, the Jacobite journal, was indicted for a "seditious libel," in a harmless paragraph, directed entirely against the public conduct and character of ministers, especially with reference to a supposed alliance with France. And the court laid it down, that even the public conduct and character of ministers of State must not be reflected upon; the libel stating that the ministers were (i. e. in their public conduct) guilty of perfidy, and ruining their country. Moreover the court laid it down that the construction of the paper and whether it was a libel, was for *them*, not for the jury; a doctrine acted upon all through

the reigns of George I. and II., and in the state trials during the first thirty years of the reign of George III., but ultimately declared to be erroneous by the celebrated libel act of Mr. Fox. The printer Franklin was convicted and sentenced most severely to a fine of £100 and imprisonment for a year, and to find security for seven years, himself in £1000, and two sureties in £500.: the security being for "good behaviour," which in the construction of law meant that he could not publish any more papers, which the whig judges chose to hold seditious; that is to say, papers reflecting on the public conduct and character of ministers. So that the *Craftsman* must have been crippled if not crushed. The opposition press in general must have been muzzled, and public opinion entirely suppressed all through the century, which elapsed from the Revolution to the period of Mr. Fox's celebrated Libel Act. Now what we are arguing is not so much whether this was right or wrong, (of course every one now says it was wrong, and is for liberty of the press), but that it was deemed necessary, (and no doubt was so), in order to maintain the revolutionary settlement, to uphold the new dynasty, and its system of Government. And we say this shows that the nation was against it, and that it was *forced* on the country.

Nothing can be more glaring, when it is only displayed, than the gross inconsistencies of the hacknied eulogies on our constitution as to personal liberty. The fame of Hampden has been rested on his resistance to ship-money; an undoubted prerogative of the Crown, held to be so by almost all the judges, and hardly then disputed to be so when necessary for the defence of the realm. Yet, after the Revolution, the impressment of seamen was resorted to, and Lord Chatham vindicated it as constitutional—although arbitrary—because it was necessary. There never was any exercise of arbitrary power justified except on the plea of necessity; and we should suppose that it is a far greater stretch of it to seize the *person* than to take the *money* of the subject. Moreover the plea of necessity raised by the government of the new dynasty, shows how unpopular it was, and how little it had of the disinterested loyalty of the nation. But about the very time when Chatham was vindicating the power of impressment, Fox was resisting a suspension of the *habeas corpus* act, proposed by Government to meet the case of persons who were guilty of treason, but, from defect of evidence could not be

tried. Why was the plea of necessity or expediency of less force here than in the case of impressment? The answer is obvious. Persons of rank might be—and were,—guilty of treason, but only poor persons were liable to be impressed. What can more strongly show that the boasted security of personal liberty applied only to the higher classes, and *practically*—whatever may be the *theory*—did not extend to the body of the people? Fox himself, when a leader of the government, wanted to prosecute a poor printer for “reflecting on the principles of the Revolution!” That was touching the whig oligarchy.

Guizot says the Revolution was popular in its principles although it was aristocratic in its mode of execution, and Professor Creasy cites his authority to disprove an idea, which he regards with some indignation, that the Revolution was an *aristocratic* movement. Now Guizot says the result of the Revolution was that the House of Commons became the preponderant power in the State. But who were predominant in the House of Commons? The aristocracy. Professor Creasy shews this clearly; indeed, it is so self-evident that it can scarcely require proof. He says, “The large number of parliamentary boroughs became mere instruments of powerful individuals who owned the few houses in them which gave the right to vote, or who purchased the suffrages of the little cluster of self-elected electors. These ‘close,’ or ‘rotten’ boroughs gave great facilities for the means of the indirect influence of the Crown”—(rather of the *Ministers* of the Crown, for the Sovereign, personally, never had any of them) “but they also favoured the ambition of wealthy subjects.” He notices the act of Anne, which required as a qualification of members for counties a landed estate to the value of £600, and for boroughs, £300 a year. He says that this “act, if carried out, would have converted the House of Commons into an odious deputation of landed oligarchs.” Well, but it was *law*, at all events, until the act of William IV., which allowed of *personal* estate (to the same amount) as a qualification; and, with that alternative, the *law* remains the same still; and if it has not been “carried out” it can only have failed to be carried out by reason of systematic perjury. Professor Creasy says it has been evaded, in this way, that as the act does not in terms require the *continuance* of the qualification, a valuable transfer of property is made

to enable the member to swear (as he is required to do) that he is really and truly possessed and entitled to the property whence he derives his qualification. But for a man to swear this, who knows, that in effect and in equity he is *not* possessed or entitled to the property, that he is never intended to be so, that not only a court of equity would prevent him from taking possession of it, but that he never intends to take possession of it,—this is a juggling with solemn oaths which, if it be customary (as it is notorious it is), shews that the Protestant gentry of this country have a school of casuistry which would scandalize the sons of St. Ignatius or the children of St. Alphonsus. However, so it is. These evasions of the law are common and notorious. But it is obvious that they pre-suppose at all events that the pretended transferor is truly possessed of property; and thus indirectly the law has attained its object of confining the representation of the people as much as possible to persons of wealth. "The law has been systematically evaded, and thus," says Professor Creasy, "men of no property, but who can find wealthy friends who have confidence in their honour, obtain seats as English members." It is plain that the "systematic evasion" only applies to those who have wealthy and powerful patrons; and thus the practical result is that rank and wealth are the predominant influence in the House of Commons. It results that the overwhelming majority of members have ties connected with the aristocracy; less so than before the Reform Act, yet largely so; and its parties have ever been ranged under aristocratic leaders.

As to corruption, it commenced at the Revolution; which, as it was carried by fraud and force, so was sustained chiefly by fraud. Force was reserved for repression of actual resistance; fraud and corruption were its normal condition. Even Burnett records that William said the "system of bribing votes was detestable, but it was not possible to avoid it." Why? Plainly because the people were adverse to the settlement of the Revolution, which pretended to be for their liberties. They found the yoke of the "Deliverer" harder and heavier than the rule of their rightful sovereign, and every species of corrupting influence was resorted to in order to enlist their baser on the side against which their better feelings revolted. Sunderland and Halifax, in the last year of Anne's reign

pressed for £2,000 to carry the elections of the common councils of London; and Stanhope added, "we are sure that being masters of the common council, London will present to parliament any address we choose." In 1714, Lady Mary Montague writes to her husband when he wished to come into parliament: "Perhaps it will be the best way to deposit a certain sum in some friend's hands and *buy some little Cornish borough.*" And Lord Dorset about the same period states in parliament that it was notorious that a great number of persons had no other employment than by being employed in bribing corporations. And Lord Mahon speaking of the general election at the end of Anne's reign, remarks that the returns showed that the system of "close boroughs" was already fully established.

It is a damning evidence of the depraved character of Whig rule at that era—that although there was a clause in the act of settlement providing that no person who held an office of place or profit under the king, or received a pension from the Crown should be capable of serving as a member of the House of Commons; the clause was but a dead letter and was then repealed; and measures to exclude from the House pensioners, or to prevent the Minister from dismissing those who held military or naval offices (except for professional misconduct and on sentence of court martial) were resisted and rejected. In 1734 a measure for the latter purpose was proposed in both Houses and supported by all the strength of opposition, but the influence of Walpole secured its rejection. And the result of course was that while on the one hand he could give offices to members as bribes, so he could hold over them *in terrorem* the power of removal. Thus all the commissions in the army and navy, besides all the civil offices of government became bribes in the hands of the minister, to corrupt and "manage" the House of Commons. But it brought its retribution. Walpole deprived Pitt of his cornetcy and gave power to an enemy who aided to destroy him.

"On the whole," wrote Newcastle, "our parliament is, I think, *a good one*; but by no means such a one as the queen and Sir Robert imagine. It will require great care, attention, and management, to set out right, and keep people in *good humour.*" Ah! Sir Robert understood that "management," and how to keep members of par-

liament in good humour. Peerages held out before the eyes of "country gentlemen;" places, to be given or taken away, for the more aspiring; grosser bribes for the baser and more vulgar sort, which served to swell the enormous "secret service" money, which formed so heavy an item in the national expenditure under Walpole; so as to render peace almost as expensive as war, and his septennial parliaments as great a burden as the standing army. The general bad opinion entertained of Walpole's administration was evinced by the extraordinary success of Gay's *Beggar's Opera*, which was a severe sarcasm upon it, suggested by Swift, and in which the minister was held up to execration in that vilest of all characters, that of a trafficker, not merely in stolen goods, but in men's lives. A kind of political Jonathan Wild.

Who were the coadjutors of Walpole in his vile work of consolidating by political corruption an unpopular political revolution? Creatures like Craggs, who had been a footman, and played the part of pimp to the deposed monarch. Craggs also had a son, a creature of a kindred nature. Then there was Aislabie, whom Walpole had made Chancellor of the Exchequer, and who was worthy of his patron. Walpole himself had been, early in his political career (1712) sent to the Tower for peculation, he was a defaulter for vast sums. His colleagues, Craggs and Aislabie, were, as doubtless he was himself, concerned in the infamous South Sea swindle; and (to show how intimately personal and political profligacy are allied,) so was Sunderland. To the infamy thus acquired, the country owed its liberation from the disgrace of being governed by such men, though indeed it could scarcely be said to have gained any substantial relief, since their patron Walpole remained to carry on wholesale a political corruption, which they had rendered purely personal. The individual ignominy might be less, but the public mischief was far greater.

For some years the opposition to Walpole, carried on by Sandys, Pulteney, and Wyndham, was in secret conducted by Bolingbroke, who had indeed obtained by his intrigues a reversal of his attainder, but whom the jealousy of Walpole excluded from his seat in parliament. Had he been *there* he would soon have displaced Walpole, and won supreme power. Even as it was, his political writings, "*The Spirit of Patriotism*," or "*the Patriot*

King,"* inspired the energy of opposition, and afforded the model for the eloquence of Burke. One of his last efforts was the attempt to repeal the Septennial Act, to which he incited the opposition. The keen eye of Bolingbroke saw the crafty policy which had dictated that measure on the part of the Whigs, and how it made the House of Commons the citadel of their power, and enabled them to control the crown and enslave the nation. Hence this attack upon it, which was enforced with all the energies of the opposition, but which failed, and Walpole, stung by the taunts and reproaches thrown out against him, was roused to a vigour of invectives he seldom exhibited, and denounced Bolingbroke very plainly, and in terms of intelligible menace, as the real head of the opposition.

For ten years (1720-1730) Walpole and his brother-in-law, Townshend, went on together; and contrived to secure the same ascendancy under the second George, as they had obtained under the first; Walpole agreeing to carry through the Commons an increase of £130,000 to the Civil List. So entirely was the policy of the Whigs one of corruption, that they corrupted the Crown as well as the Commons and the Peerage, and made all those elements of the constitution subservient to their will. But it is curious to see how inevitable, in human nature, is the tendency to unity of rule and a monopoly of power. It was the part of Walpole, not merely to subdue Crown, Commons, and Peerage, but even the Whig oligarchy, who had enslaved all three. He had got into power through their influence,—he was resolved to reign without a rival. The only obstacle was his brother-in-law, Townshend. He had no one else in the Cabinet at all able to compete with him. For a few years the contest continued between them for *sole power*. Walpole's jealousy of power was equalled by Townshend's violence of will. The one could brook no equal, the other no superior. The crisis came; a quarrel occurred which could not be healed, indeed Walpole's rudeness almost led to a personal encounter; the king had to choose be-

* It is our opinion, which we find is that of Lord Mahon, (who states that it was that of Pitt and Burke,) that these productions are *unrivalled* in our language.

tween them, and did not hesitate ; Townshend resigned and Sir Robert Walpole reigned supreme.

How vital the Septennial Act was, and is to the power of a minister, may be exemplified, not only in the parliament in which it was passed, but in that which refused to repeal it, at the time of the last great struggle between Bolingbroke and Walpole. The effect is that the minister can *retain* a parliament for seven years, if it suits his purpose, but can dissolve it at pleasure if it is not sufficiently subservient. When the General Election occurred, soon after the struggle alluded to, it was bitterly contested on both sides, and Walpole made such a profuse expenditure, that even "out of his own fortune" (though it cannot but be disputed that this was mostly public money,) he spent £60,000 in bribery, and the majority obtained for the minister by no means equalled that of the last General Election. Hence it is clear that Walpole had fallen, and knew he had fallen in public favour, and it is obvious that the longer he could protract the duration of a parliament in which he had a majority, the longer must be his tenure of power. Now mark, this was in 1734, and he took care not to dissolve until 1741, when at once he fell from power.

It is obvious that had he dissolved earlier he would have fallen sooner, and thus the Septennial Act protracted the power of a bad minister. It is no answer to us to say, that had he been earlier ejected from power, the Whig settlement of the Revolution might have been endangered. That is a good answer to a Whig ; but it is none to us ; or rather it confirms our argument, which is, that this settlement was maintained by fraud and force against the will of the nation.

How would it have been endangered by more frequent dissolutions ? Thus, that it would have been impossible to corrupt parliaments so easily if they were changed more frequently ; and the national will would have told more freely and more powerfully upon the House of Commons. As it was, instead of reflecting the nation's mind, it reflected the minister's. As long as he had places and peerages to bribe with, he stood ; when they were exhausted he fell. But by the aid of the Septennial Act, he clung to office six years longer.

The conduct of the Commons after the Septennial Act, showed, as under the Commonwealth, how under the form

of a free assembly a country may have the reality of tyranny. When honest Shippen in the heat of debate said that some of the measures of his Majesty's Government were rather calculated for the meridian of Germany than of Great Britain, and that it was the infelicity of his reign that he was unacquainted with our language and constitution; he was *sent to the tower!* although, as Lord Mahon himself remarks, nothing could be more true than the remark. Yet we are told that the change of dynasty was for the sake of liberty, and that the Stuarts were "arbitrary." Did any monarch of the exiled dynasty ever venture to send a member of Parliament to the Tower merely for a hasty observation in debate? The "meridian" of Turkey could hardly furnish a more flagrant instance of tyranny.

A remarkable illustration of the policy, and the profligacy of Walpole is offered by the history of the celebrated "Peerage Bill" of 1719. The Septennial Act had consolidated the power of the Commons, and its supporters, as we have seen, upheld it because it tended to relieve the House of all dependence on the Peers. This was in itself unconstitutional. It clearly tended to make the minister absolute, the moment he acquired the sway of the Commons. But one essential means of acquiring that sway over the Commons was the power of opening to them admission into the Peerage. Now the effect of the Peerage Bill would have been somewhat to restrict the power of creating new Peers. This was opposed by Walpole because, as he pretended, it was "unconstitutional." Assuming that it would be so, if the Sovereign really governed, it was a mere pretence to term unconstitutional what really was only a restriction on the power of the minister, virtually responsible, not to the Crown, but to the Commons. The real reason for Walpole's opposition was betrayed by himself, when he said that the opposition was certain to be successful, because the country gentlemen would not bear the thought of being excluded from the Peerage. Ah! he lived to rule England for twenty years by those "country gentlemen."

How servile had the Peerage then become! Let us look at an illustration of its character. Among the associates of Walpole in power was Pelham, Duke of Newcastle, brother-in-law of Lord Townshend, and son-in-law of Godolphin. In the length of official life, this nobleman was certainly the longest link between

the age of the Stuarts and the Brunswicks, the times of Bolingbroke and of Burke. The name of Pelham is associated with that of Chatham and of Wyndham. He was in office nearly half a century. He had already been Lord Chamberlain under Sunderland; he was become Secretary of State with Walpole, was in office during the whole of Walpole's twenty years term of power, and continued in office with his brother until 1762, so that he was in office *five-and-forty* years! Yet he was of such ridiculous incapacity that he is invariably exhibited in the most ludicrous light in the "Memoirs" or "Letters" of Walpole, or any other contemporary writer, and could only have held office on account of his great wealth, and high rank, which made him a convenient appendage to the shrewd Minister who monopolized real power. The only thing remarkable about Newcastle is the servility which, combined with imbecility, seems then to have usually characterised the English aristocracy; a servility of which a single instance may serve as an illustration; that the Duke competed eagerly with other peers for the honour of presenting Walpole's mistress at Court!

He possessed vast estates of £30,000 a-year; he attached himself to the Whig party. When that party was rent asunder by the schism of 1717, when Walpole and Townshend were thrust out, Newcastle, though brother-in-law of Townshend, took the side of Stanhope; and was made Lord Chamberlain. But after the deaths of Stanhope and Sunderland he formed the closest connection with Townshend and Walpole. Through their influence he became Secretary of State in the room of Carteret, a man of commanding ability, with neither application nor principle. No man, says Lord Mahon, loved power more, and no man held it longer. For nearly thirty years was he Secretary of State, (from 1720 to 1750), for nearly ten First Lord of the Treasury. His character during that period has been of course observed and described by writers of every rank and every party, and it may astonish us to find how much they agree in their accounts.

"His peculiarities were so glaring and ridiculous that the most careless glance could not mistake, nor the most bitter enmity exaggerate them. There could be no caricature where the original was always more laughable than the likeness. Ever in a hurry, yet seldom punctual, he never walked, but always ran; his conversation a sort of

quick stammer, a strange mixture of slowness and rapidity, and his ideas sometimes were in scarcely less confusion. Extremely timorous and moved to tears, on even the slightest occasion, he abounded in childish caresses and empty protestations. At his levees he accosted, hugged, clasped, and pursued everybody with a seeming cordiality so universal that he failed to please anybody in particular. Fretful and peevish with his dependents, always distrusting his friends, and always ready to betray them; he lived in a continual turmoil of harassing affairs, vexatious oppositions, and burning jealousy."

What a portrait of a minister! And yet this man was in high office forty years, and had a talent which enabled him to cleave to place, if not power, twice as long as Walpole. But then there was the secret, the Duke was content with place without power; Walpole was not. The Duke owed his success as much to his *property* as his subserviency, and to either, we need hardly say, infinitely more than to his ability. He was "a man of the world," however, with abundance of low cunning and small shrewdness. And he had no principle nor scruple. And so he managed to remain in office; (where at all events he had the power of doing immense mischief) for nearly half a century, and surely never was the Swedish minister's sage saying more shamefully illustrated. "See with how little wisdom a nation may be governed!" Would that they had only wanted wisdom! They were as void of honesty. Look at their crafty policy.

The first result of the Revolution was to embroil the country in bootless foreign wars. William at once engaged the nation in a war with France. Partly this arose from the jealousy entertained by the new dynasty for the friendly feeling subsisting between the Houses of Bourbon and Stuart, partly from the sovereign of the new dynasty having continental possessions involving continental interests, and leading them to embroil this country in continental contests. But there were deeper and darker reasons, one of them of older date even than the Revolution, and one which we will call the traditional policy of Protestantism, a policy of constant intrigue and intervention, with the view of creating dissensions between Catholic Powers. This had been the policy of Elizabeth and Cromwell; as much so as the persecution and oppression of the Catholics at home. It was the policy of the Puritan faction, who

quarrelled with Charles I. for not pursuing it with sufficient vigour and rigour; it was the policy, the neglect of which by his successors was made by the same faction a constant source of jealousy and neglect and calumny, and as Professor Creasy truly observes, nothing was more fatal to James II. than the rumour, which was most industriously circulated by his enemies, that his views of policy were in accord with those of Louis XIV., who had just revoked the edict of Nantes.

William, as we have said, at once involved the nation in a war with France; partly for the reasons we have mentioned. The Dutch were republicans and Protestants. The Whigs had brought about the Revolution under the pretence of zeal for Protestantism and freedom; their cry was, "Popery and arbitrary power;" and the war was popular, not merely from these causes, but from the vulgar aversion to the French. Indeed, this probably was the only portion of the revolutionary policy which was popular, as it flattered British pride with ideas of naval and military prowess, revenge on an ancient rival, resistance to arbitrary power, a crusade against superstition, and arbitrement of the destinies of Europe, and protection of the interests of freedom. It was at this time that the phrase and the policy of "balance of power" were invented by English statesmen, and used during the whole of the century, artfully, but with fatal effect, to blind the people to the real nature of wars, the true object of which was at home, not abroad, and which were designed to rivet a new dynasty upon the throne of this country. This was indeed one main reason which led the Revolution Government to pursue this skilful but unscrupulous policy. It was to foster the monied interest, which it is notorious, was the main strength of the Whigs.

That the nation was adverse to the change of religion and of the constitution, and that it was imposed upon them by force, is proved, in a curious way, by the very arguments in excuse of the measures taken by the new dynasty. It is urged that these measures were necessary, in order to maintain it. For instance, a standing army, which, all through the reign of William, was protested against in vain, and was firmly established under the Georges, was always supported on the plea that it was necessary to coerce the nation, and to prevent it from relapsing into popery, or recalling arbitrary power. Thus, so lately, as

1732, when the subject was debated, Smollet says, the ministry and their supporters had to resort to the old phantom of the pretender, and one of them, Sir Archie Crofts, said, "a continuation of the same number of forces was the more necessary, because, to his knowledge, popery was increasing very fast in the country; for, in one parish which he knew, there were seven popish priests. And Sir R. Walpole said a reduction of the army would give hopes to the Jacobite party," (how so if the nation were against them?) to which his brother Horace added with sly satire, that the standing army would be necessary so long as the nation enjoyed the happiness of having the present illustrious family on the throne. What clearer confession could there be, that the nation was still, to a great extent, in favour of "popery" and the old dynasty?

And the great reason for the war policy was the excuse it afforded for the maintenance of a standing army, which was found necessary to coerce the country to submission to the new dynasty. A standing army, for the coercion of the English nation, was absolutely indispensable, and yet the House of Commons, corrupt as it was, would not, durst not, submit to it, without excuses derived from the existence of war. This reason alone would have driven William into hostilities with France, under colour of which he managed to maintain a standing army, in a great degree of *foreigners*, during the whole of his reign, despite the constant remonstrances of parliament. When he had attained his object of settling himself firmly on the throne, he made a treaty, which no more satisfied the English nation, nor carried out the professed object of the war, than the Treaty of Utrecht, concluded by the Tory ministry of Anne, so much to the indignation of Lord Mahon. And so under George I. It was enough that the title of the new dynasty was recognized, and the Pretender discarded; and a standing army established; the government were then content to have peace, and to pursue, under Walpole's auspices, a more quiet and less costly system of corruption at home. But a disposition to intervention among Catholic powers, and to excite dissension among them, if not to engage hostilities with them, has ever since been the traditional policy of Whiggism. Thus Walpole went to war without scruple to preserve power, and thus also the elder Pitt, than whom there never was a greater stickler for the "settlement" of the Revolu-

tion, the "Protestant succession," and the "great families" who had established it, was essentially a "war minister," and repeatedly raised a war fever to obtain power and distract the mind of the people from domestic affairs. And his son faithfully pursued the policy which had been transmitted from the age of Walpole and of Pulteney, of Pelham and of Chatham. Again, the object of the Whigs being to foster the monied interest, (which is proverbially timid and averse to change, and equally ready for corruption,) they did so by means of large loans and lucrative contracts. The contracts opened up endless sources of speculation and corruption, in which, as the early history of Walpole shows, statesmen participated; and it is not to be doubted that Marlborough, by the aid of his son-in-law, Godolphin, who was Treasurer, protracted the war under Anne in order to make money by the military contracts. But the *loans* had another and a still wider sphere of operation. The creation of stock multiplied the creditors of the government, and thus constantly increased the number of its supporters. For every holder of stock had an interest in the security of the existing settlement. Bishop Atterbury, in a letter published by Lord Mahon from the *Stuart Papers*, detected and described this deep-laid scheme of policy. Speaking of the holders of stock, he says, (writing in 1720,) "That body of men who have newly increased their capital to above forty millions sterling, began to look formidable, and if time be given them to fix themselves, and to unite the court and the majority of the members of parliament thoroughly in their interest, the weight of their influence, whatever they undertake, must bear down all opposition."* And Atterbury proved right. Before this Stanhope, under George I., had said, as Lord Mahon mentions, that the *National Debt must increase*, if successive ministers pursued a war policy, if not for the purpose of increasing it, at all events *willing* to increase it, and it gradually enlisted the selfish interests of the greater part of the nation in adhesion to the new dynasty.

The story of Walpole's fall is as characteristic of the age as the history of his rise and of his rule. He was engaged in negotiations with Spain, and he was thwarted

* Even Blackstone betrays the same policy.

by his own colleague, as unprincipled as himself, the ludicrous Newcastle, who had just brains enough to do mischief, and, imbecile as he was, thirsted for power as much as Walpole. "Both of them loved power," (says Lord Mahon) "with their whole hearts, but with this difference, Walpole loved it so well that he could not bear a rival, Newcastle so well that he would bear anything for it." Under Stanhope's government he had professed unbounded admiration and friendship for that minister. Immediately on the death of Stanhope he had transferred the same sentiment and submission to Walpole. But though willing to accept even the smallest morsel of authority, it was only until he could grasp a larger. And an opportunity offered by the growing unpopularity of Walpole, and the clamour for a Spanish war, which he found congenial to the military spirit of the King. Newcastle accordingly, though with great caution, made himself the advocate for war in the cabinet, and with the consent or connivance of the King, sent angry instructions to the British minister in Spain, which greatly obstructed Walpole's efforts to negotiate peace. Nor durst Walpole at this crisis, with the inclinations of King and people against him, pursue his usual course, and cashier his unscrupulous colleague. For once Walpole was right in his view, but, as we shall see, wrong in his course; for finding that he should lose office if he did not consent to the war, he consented to it. The opposition, as unscrupulous as himself, supported it. And Sir Robert embarked in a war he knew to be iniquitous and perilous, to preserve himself in office. It is scarce possible to conceive a greater degree of wickedness. Yet it is Lord Mahon's account of the matter. He is an admirer of Walpole. "Thus urged, Walpole perceived that he was reduced to this plain alternative, to engage in war, or to retire from office. He decided for the former." And there was war. Walpole foresaw that war with Spain must sooner or later entail war with France; he had sagacity to foresee that "Family Compact" of the house of Bourbon, which the keen eye of Chatham detected, while yet secret, twenty years after, and he knew he was plunging the country in a war which must prove protracted and perilous to the empire; yet he plunged into it, to keep himself in office; and, from the remorseless lust of power, inflicted this great evil on his country.

It does not palliate the dishonesty of Walpole's conduct,

that his antagonists were as unscrupulous as himself. No doubt they were. Some years after, Burke has left on record, * he conversed with some of them, and they none of them in the least attempted to defend the error or to justify their own course. It was too flagitious even for themselves to palliate or to vindicate! But not the less, nay rather all the more, was Walpole infamous, for consenting, from selfish motives, to what he knew was so flagrantly scandalous. Lord Mahon most truly says, "He still unworthily clung to his darling office—thus proving that a love of *power*, and not a love of *peace*, as has been pretended, was his ruling principle. It was a sin against light. No man had a clearer view of the impending mischief and misery of the Spanish war. On the day when war was declared, when joyful peals were heard from every steeple of the city, the Minister muttered, "They may ring their bells now—before long they will be ringing their hands!" Yet of this mischief and this misery, he would stoop to be the instrument!

"And how short-sighted is personal ambition! Had Walpole withdrawn upon this question, its subsequent unpopularity would have retrieved his own, and the revulsion of national feeling would speedily have borne him back to office more uncontrolled and mighty than before. By remaining at the helm, on the contrary, Sir Robert secured but a brief respite; and, as we shall find, was ere long overwhelmed." The war was declared in 1739. The very next year, 1740, he found that he had not bettered his condition;—his unpopularity continued; a standing army, the septennial act, and parliamentary corruption, had been for years the cause of it: and this is a clear proof that his rule was as contrary to the national will as it was to constitutional principle and to public morality. The opposition, though it adopted unscrupulous means, and took an unprincipled course, had an overwhelming strength in the general consciousness of the iniquity of his rule. It had lost the aid of Wyndham, whom even the Whig Onslow declared the most made for a *great man* of any man (then known) in the age: but Pulteney was now assisted by the mighty energies of Pitt. Against the rising talents of Pitt, and the practised skill

* Thoughts on a Regicide Peace.

of Pulteney, even now aided by the sagacious councils of Bolingbroke, what, said Lord Mahon, had Walpole to oppose? His excessive jealousy of power had driven from his counsels any other member of the House of Commons, who could in the remotest degree enter into competition with him. His colleagues and supporters, therefore, were either men of moderate capacity, like Henry Pelham, (brother of the Duke of Newcastle,) or mostly, men without character. Meanwhile Walpole's colleague, the Duke, eager to supplant him, and having capacity enough for treachery and intrigue, did everything to embarrass him, and he was fairly distracted. Horace Walpole, writing in 1741, says, speaking of his father, "He who was always asleep as soon as his head touched the pillow, now never dozes an hour without waking; and he who at dinner always forgot that he was minister, and was more gay and thoughtless than all his company, now sits without speaking, and with his eyes fixed for an hour together." Now, what course did he take at this desperate juncture? The course which unscrupulous Sunderland had taken, sixteen years before. He actually intrigued with the Pretender! He, the very man who, at the earliest stage of his public life, had been eager for severity upon the Tory ministers of Anne for having sought to restore her brother,—he who pressed for measures of cruelty after the suppression of the Rebellion in 1715, he now corresponded with the Pretender, and intrigued with the Jacobites! It matters not whether he was sincere or not, whether he was ready to give his support to the Pretender, or merely sought to induce the Jacobites to support himself. He could only have obtained the latter object by promises and professions as to the former, and the minister who could make such professions and promises to suit his purpose, would not have scrupled to carry them out, had he found it practicable and advantageous for him to do so. Anyhow, in 1739, Carte, the historian, (we use Lord Mahon's words,) was entrusted with a message from Walpole to the Pretender, declaring his secret attachment, and promising his zealous services. In reply James wrote and put into the hands of Carte a very judicious letter. These are Lord Mahon's words, and the letter of James is extant, and is published in the appendix to his work. What a contrast to the character and conduct of the Whig ministers, Churchill or Walpole, Sunderland or Newcastle,—servile,

unscrupulous, unprincipled, and actuated solely by a lust of power, and ready to do anything, support anything, oppose anything, ready to bow to a dynasty or recal it, to submit to a dishonourable peace, or plunge the empire into a disastrous war, in order to retain or to acquire power. Contrast their character and conduct with that of the princes they had banished and betrayed, and who, as their historians allow, lost their crown rather than abandon their principles, or desert their religion. We are proud of the contrast, but we advert to it only in passing, and proceed to what is more material for our argument: the simple fact, which what we have stated proves, that as the original promoters of the Revolution, so its subsequent supporters, were actuated by no other motives than the desire to obtain power. Liberty was the pretext, but they were ready at any time to intrigue with the exiled dynasty, when they thought it might suit their interests and serve their purposes. When in the reign of George I. Sunderland said to Walpole, "Well, who shall we have next?" and Walpole answered that he should support the succession, as it was settled; he meant that he had secured his interest, and that it suited his purpose to do so. He was sure of power, and retained it twenty years. But no sooner was he in danger of losing it than he intrigued with the pretender.

At length came the last year in Walpole's long tenure of power. At the opening of the session (1746), Lord Carteret denounced the "minister who had for twenty years demonstrated to the world that, though he had a little such low cunning as those have that *buy cattle*, or such as a French valet makes use of for managing an indulgent master,—he has neither wisdom nor character." And soon came Sandys' celebrated motion to remove Sir R. Walpole from the Councils of the Crown for ever. Never were such disgraceful charges accumulated against a minister, all notoriously, incontestably true—fraudulent adjustment of the South Sea swindle, tampering with the Sinking Fund, an increased standing army, unnecessary expeditions fitted out, and never employed, (except for patronage and jobbery,) all measures to secure the constitution against corruption rejected, many penal laws passed of an arbitrary tendency, the civil list augmented, the project for the excise, officers dismissed for voting against ministers, &c. The attack failed, and the motion was rejected,

lost entirely through the conduct of the Jacobites, who declined to vote for the motion, whether (as Shippen said) because they deemed it a mere struggle for office between one party and another, and it was indifferent to them who was in or who was out; or whether on account of the hopes Walpole had excited by his correspondence with the Pretender. The refusal of all the Jacobites to support the motion, and of some of the Tories, so far strengthened Walpole, that for the present he escaped. But now came the general election, and the nation were so against him that he lost it, and on the first party division of the session, the roars of the opposition tolled the knell of his twenty years' tenure of power. Still he fought stoutly, and laid bare the baseness of his chief opponents, especially Pulteney; it was, no doubt, on their parts, a mere contest for power, but not the less clear is it that Walpole was a wicked and corrupt minister. He and his opponents were equally unscrupulous. For the most part they were Whigs, as he was. In truth, except a small number of Jacobites, there was no difference now between Whigs and Tories. They were equally supporters of the Revolution settlement, at least while they were in office, and they were equally anxious for office, and equally unscrupulous as to the means of getting it.

And now recommenced, in earnest, the struggle for power between contending parties. Here really began the modern history of party. The result of the Revolution was, in the language of Guizot, that the House of Commons became the preponderant power in the State. But it was more. When Pym and Vane commenced the great struggle for power, continued by Shaftesbury and Sidney, and consummated by Danby, and Shrewsbury, they meant more than that the Commons should rule; they meant also that they should rule the Commons. And so they did. Mr. Ward shows how despotically Shaftesbury and his party governed while they were in power. And not less was it with parties in power after the Revolution. Mr. Hallam truly says, "the Crown lost all that party attachment gained; though while the crown and the party in power act in the same direction, the relative efficiency of the two powers, is not immediately estimated. This was the case during the greater part of the reign of Anne, and of the two first Georges. It was seen however, very manifestly in 1746, when after long bicker-

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ing between the Pelhams and Lord Granville, the King's favourite minister, the former in conjunction with a majority of the Cabinet, threw up their offices, and compelled the King, after an abortive effort at a new administration, to sacrifice his favourite, and replace them in power whom he could not exclude from it."

Mr. Hallam might have taken an earlier instance in the history of Pulteney in 1740, and his compulsion exercised upon the King to dismiss his favourite minister Walpole. The same thing took place, Mr. Hallam observes, "at a later period of his reign, when, after many struggles, he submitted to the ascendancy of Mr. Pitt." And in the struggle at the opening of the reign of George III., when Pitt compelled the King to discard his own choice of a minister, Lord Bute, and to permit Pitt to reign supreme, and to govern the country against the will of the sovereign.

It is no answer to say, that, in such cases, the Minister must have a majority of the Commons. So he must. But that majority need not, and certainly did not represent the feelings of the country; what with corruption, and pocket boroughs, and family influence, the majority only represented the relative power of rival parties, neither of whom might possess the confidence of the nation, but simply of an oligarchical faction. In substance, therefore was not the form of constitution changed from a monarchy to an oligarchy? And, as we have shown in our last paper, that the Revolution was the conspiracy of an oligarchy, have we not now shown that its triumph was maintained as it was gained, by means of fraud and force; that it was simply a struggle, not for liberty, but for supremacy; and that its sequel was an unscrupulous, a cruel, and a crafty tyranny?

ART. II.—1. *Esaias Tegnér's Samlade Skrifter*. Stockholm : C. E. Fritze. 7 vols. 8vo., 1847-51.

2. *Johan Ludvig Runebergs Samlade Skrifter*. Orebro : N. M. Lindh. 3 vols. 8vo., 1851-2.

3. *Samlade Vitterhets-Arbeten af Johan Olof Wallin*. Stockholm P. J. Meyer. 2 vols. 8vo., 1853.

SCANDINAVIA has ever been a land of song. The poetic art has always been highly valued and highly cultivated in the North. Our forefathers even attributed to it a divine origin, and supposed it to come directly from Odin and the gods. And thus the *Æsir* are sometimes called *Liодasmidir*, (*Verse-smiths*), and it is probably the language of poetry that is implied by the term *Asamál*, (*Language of the gods*), which is said to have come into the North together with Odin and *Æsir*. In songs of holy interest and deep significance, they preserved from generation to generation the primitive traditions of the world's creation, the birth and strife of elements, and the forces of nature, of the manners of original times, and of their long wandering from the abodes of primitive man. In the noble simplicity of ancient verse they stored up the didactic and proverbial wisdom which rich experience and careful observation of man's character suggested to the thoughtful mind. In songs of lofty and warlike spirit they glorified the achievements of contemporary heroes and champions, and celebrated the memory of the departed's honourable exploits. A spirited and stirring march, a rich and bold imagery, a deep and strong feeling, often even sublimity and beauty, characterize the poetry of the ancient North. Its strongly accented alliteration and warlike rhythm bore the stamp of that martial character that marked both the *Skalds* and the age in which they lived.

Such were the vigorous and healthful strains that formed, one may say, the whole of the literary portion of our forefathers' education, and they were well calculated to produce those high-spirited and iron souls, which carried the victorious arms of the Northmen to, and planted their flourishing colonies on the coasts, not only of England and France, but the more distant shores of Spain, Italy, and

the Greek Empire; those noble and intrepid men who, in their frail barks, not only navigated the Bay of Biscay and the Mediterranean, but who crossed the vast Atlantic, and founded Christian colonies along the whole coast of America, from Greenland and Florida, centuries before the age of Columbus and Vespucci.

Nor in this respect has the modern Scandinavian departed from the character of his ancestors. His gallant heart still swells responsive to the poet's numbers, as he details the glories of his ancestors; still melts at the tender strain that tells of unrequited or unfortunate love. Still is poetry the favourite amusement of many a northern mind; and if the bard be not now, as of old, the frequent diplomatic agent of the sovereign, yet still is he received at the court and respected in the country. The works of the modern Skalds, mentioned at the head of this article, have all been many times printed, and that the large and handsome editions referred to should have been called for, is a proof how much the poet's art is valued by the Swedish public. But in England nothing is known of their poetry, and little of their personal history, or even of their names. We have thought therefore that a short account of the three most popular of the modern poets of Sweden might not be unacceptable to our readers; and we shall venture to accompany the few specimens of their poetry which we have selected for extract by a metrical translation, for which, however, we do not presume to claim any merit beyond that of fidelity.

Esaias Tegnér, the first of the poets to whom we allude, was the son of a clergyman of the same name in the province of Wermland, and was born 1782, November 13. His mother, though a woman of brilliant intellect and superior attainments, was an excellent mother and housekeeper. The family consisted of two daughters and four sons, of whom the subject of this notice was the third. The youngest was insane. At the age of nine, the young Tegnér had the misfortune to lose his father, and his mother retired in very scarce circumstances to a little country estate. Here he was ten years of age taken into the counting-house of a *kronofogde* (steward of a royal domain), named Jakob Branting, and this good and judicious man seems to have been, as far as circumstances permitted, a second father to his young clerk. He at first designed to bring him up to his own business and make

him his successor; but subsequently discovering the boy's talent, he changed his resolution, and determined to cultivate his literary bent. The boy had now reached his fourteenth year, and his eldest brother was private tutor in the house of a Captain Lövenhjem. To this gentleman Branting wrote, requesting him to receive the young Tegnér into his house and family, that he might enjoy, together with the Captain's sons, the benefit of his brother's teaching, and to this the Captain generously assented. After he had diligently pursued his studies here for some time, his brother became private tutor in the house of bergsråd (Member of the commission of Mines) Myhrman, at Rämens Factory, a man not only of extensive learning, but of great practical experience, whose well-stored library was a welcome sight to our young student. Here, in the space of seven months, he read three times through the Iliad, and twice through the Odyssey, and also made himself acquainted with the works of Virgil, Horace, and Ovid. In 1799, by the aid of his two benefactors, Branting and Myhrman, he entered as a student at Lund University, where he passed the first year of his academic career in lonely diligence, working eighteen hours daily at his studies. In May 1800, to avoid being any further expense to his benefactors, he accepted the situation of private tutor in the family of Baron Leijonhufved, at Yxhullssund, in the province of Smaland, where he continued the same course of diligent and solitary study. On his return to Lund, he was named an Extraordinary Library-Amanuensis, an unusual distinction for one who had not taken his master's degree. In 1801, he passed his examination, and the next year, at the solemn conferring of degrees (called "*promotion*"), received the first place of honour. From this scene of festivity he hastened home to embrace his mother, but in mourning and sorrow, and to join in her lamentations over two of her children, one of whom was his kind and talented brother, Lars Gustaf, whose instructions had been to him of such vast service, and whose early death he bewailed in an elegy of deep and moving pathos, that was honoured with a prize by the Göteborg literary society. In the beginning of 1803, he was appointed a "*Docent*" in *Æsthetics*, at Lund, and shortly after he took the place of private tutor in the family of a Mr. Strübing in Stockholm, where he remained about half a year, but made acquaintance with

none of the literati of the time except Choræus, the poet, and Byström the sculptor. Returning to Lund in the autumn, he was appointed junior professor ("Adjunkt") of *Æsthetics*, and, immediately after, vice-librarian. Though his means were still very scanty, he nevertheless, in 1806, married Anna Maria Gustafva Myhrman, the daughter of his former benefactor. The match was the result of a mutual affection, which had arisen with their first acquaintance.

Tegnér had passed his youth in the most intense and unbroken study, striving against poverty in the constant endeavour to evince his gratitude to his benefactors in the best manner possible, viz., that of showing them that their kindness has been well placed; and having now realized the object of his long and indefatigable assiduity, he became another man. Before his marriage, he had been silent, reserved, and shy, avoiding society, and only seldom allowing a brilliant flash of wit to escape him. He now gave free rein to his natural genius; was, at his own table, the most pleasant of hosts; and in all company, his constant and sparkling sallies rendered him an object of universal admiration. Perhaps the strongest feeling of his mind was love to his country, and that country was now (1808) in the most distressed state, and threatened with entire dissolution by the aggressions of Russia, countenanced by Napoleon Bonaparte. This produced from his pen, the magnificent piece "*Det Svenska Landtvärnet*," which rang through the country with a force that shewed that there were thousands of hearts that responded to its lofty tones. In 1810, he received the title of professor; and the next year, his brilliant composition "*Svea*," received the Royal Academy's first prize. In 1812, he was appointed to the chair of Greek Literature at Lund, and the duties of this professorship he discharged with delight and success, raising the standard of Greek attainments in the university vastly above its former condition.

At this period a controversy was going on which we cannot pass by in silence. Until the time of Gustaf III. all literature in Sweden was formed upon French models; and the aged and respectable patriarch of Swedish poetry at that period, and then president at the Royal Academy, Leopold, belonged to that school. It was of course an absurdity that Swedish literature should be little else than second-hand French, and several young men at Uppsala

undertook to reform the country's taste. The chief of these was the late Professor Atterbom,* and his principal associates were Hammersköld, Professor Palmblad,† and Askelöf. From the name, "Phosphorus," of a periodical, that was the organ of their party, they received the denomination of "Phosphorists." It was however but the "blind leading the blind," as they had fallen into a precisely similar error themselves. They were all deeply imbued with the morology‡ of Schelling, and their object was to replace the ghost of a French literature which now for so long had represented Swedish genius, by the still more ugly ghost of a German literature. For this purpose they affected, and often to a laughable degree, the pompous emptiness, mysterious unintelligibility, and intricate jargon of the German schools, so that one might well apply to them the words of Byron,

"Their thoughts were theorems, their words a problem,
As if they thought that mystery would ennoble 'em."

Two wrongs may sometimes produce a right, and thus it was here; while these two parties continued their strife, outraged common sense stepped between as a third party, under the name of the Gothic Union, and carried the day from both of them. The chiefs of this party were, beyond all comparison, the two greatest literary men of the time in Sweden, Tegnér and Geijer; and the first of these, disgusted by the gross attacks made upon the venerable patriarch of Swedish literature, lashed his enemies into nothingness with his scourging satire, while at the same time, by his own immortal works, he formed a school which will probably endure as long as the language itself. In 1812 appeared his "*Prestvigningen*" (*Ordination*), in 1820 "*Nattvardsbarnen*" (*Children of the Sacrament*), in 1822 "*Axel*," and lastly, in 1825, "*Frithiofs Saga*,"

* Died 1855.

† Died 1852.

‡ Believing in no philosophy that does not go out from faith in a primitive revelation, we have used this word to express the charlatanism of the German schools, one and all of which, from the first beginning up to the present archi-spermology of Hegel, are, however one may seek to disguise it, nothing else in plain English than *Pantheism*. And this foolery it is a blasphemy to call philosophy.

the greatest of his works, which was received with well-merited universal admiration.

In the mean time the country had not been insensible to his merits. In 1818 he was made Doctor of Divinity; in 1824 he was appointed Bishop of Wexiö, and in 1829 was made a Knight Commander of the Order of the Polar Star. He now relinquished his Professor's chair in Lund for the purpose of devoting himself entirely to his episcopal duties,* which he discharged with diligence and precision. He was bitterly attacked by the radical press, but retorted with withering sarcasm. His life as bishop was both active and happy, till in 1840 he was attacked by the disorder he most feared; his reason became disturbed, and the disorder manifested itself in long fits of nervous tension, followed by listlessness and depression. After a journey to Slesvig in search of health, he found himself sufficiently restored to resume his duties in the summer of 1845; but a new attack upon the nerves soon after entirely shattered his strength, and though his reason was sound during the last year of his life, yet he gradually sank, and expired Nov. 2, 1846.

Considered as a man, he was always honourable in his dealings; and though it cannot be denied that the impure models of ancient Greece, with which he was so familiar, have sometimes dimmed the brilliancy of his wit by improprieties which it would be hard to justify, yet other charges which have been made against his moral character we refrain to reproduce, *believing them to be utterly destitute of foundation.* As a poet, the richness and grandeur of his conceptions, and the classical beauty, more than the luxuriance, of his imagery, the harmony of his numbers, and the elegant lightness of his style, combined with the vigour and colossal grandeur which he can, when requisite, command, have earned him an unfading name among Europe's greatest bards. He is read in almost every language of Europe, and, as (although they are little read) there are no less than three or four translations of his two principal works in English, we shall confine ourselves to one specimen of his style. We select the nineteenth Song of Frithiof's Saga.†

* We of course mean *Protestant* episcopal duties.

† As the originals of Tegnéer and the other Swedish poets are

" Spring is come ; the birds are chirping, smiles the sun, and green
the woods,

Freed from winter, gaily singing dance to ocean down the floods,
Glowing like the cheeks of Freya peeps the rose from out its cup,
And in human bosom waken joy and hope and courage up.

" Now the old king will a hunting, hunting with him goes his queen,
And in crowds the court assembles round them in brocaded sheen.
Bows are clanging, quivers rattling, eager courser paws the way,
And with hood their eyes drawn over shriek the falcons after prey.

" See the chase's queen is coming! Luckless Frithiof, shield thy
sight !

Like a star o'er spring-cloud rising, sits she on her palfrey white.

Partly Freya, partly Rota, fairer e'en than both the two,
High above her purple bonnet gaily wave the feathers blue.

" Look not on that eye's blue heaven, look not on those locks of gold,
Shield thee, for that form is graceful, shield thee, full that bosom's
mould !

Look not on the rose and lily o'er her cheeks their hues that fling,
Hearken not that voice so lovely murmuring like the breeze of
spring,

difficult of access in England, and as the chief value of our translation is its fidelity, we have thought it well to print the original along with the translation. The language presents little difficulty to any German Scholar.

" Varen kommer ; faglen gvittrar, skogen löfvas, solen ler,
Och de lösta floder dansa sjungande mot hafvet ner.
Glödande som Frejas kinder tittar rosen ur sin knopp,
Och i menskans hjerta vakna lefnadslust och mod och hopp.

" Da vill gamle kungen joga, drottningen skall med pa jagt,
Och det hela hof församlas hvimlande i brokig prakt.
Bogar klinga, koger skramla, hängstar skrapa mark med hof,
Och med kappor öfver ögat skrika falkarne pa rof.

" Se, der kommer jagtens drottning! Arma Frithiof, se ej dit !
Som en stjärna pa en varsky sitter hon pa gangarn hvit.
Hälften Freja, hälften Rota, skönare än begge tva,
Och fran lätta purpurhatten vaja högt de fjädrar bla.

" Se ej pa de ögons himmel, se ej pa de lockars gull !
Akta dig, det lif är smidigt, akta dig, den barm är full !
Blicka ej pa ros och lilja skiftande pa nennes kind,
Hör ej pa den kära stänman, susande som varens vind.

"Now the hunter troop is ready ;—Forward over hill and plain,
Sounds the horn, and springs the falcon, straight to Odin's high
domain.

Fly the dwellers of the forest, terror-smitten to their lairs
After them, with lance uplifted, while the dread Valkyria tears.

"Aged monarch cannot follow, as the hunters onward ride,
All alone young Frithiof follows, sad and silent by his side.
Thoughts of dark and painful anguish in his tortured bosom glow,
And whichever way he turns him must he hear their voice of woe.

"Why did I desert the ocean, to my greatest danger blind?
On the billow thrives not sorrow scattered by the heaven's wind.
Is the Viking downcast, danger comes and bids him up and dance,
And all thoughts of darkness vanish, dazzled by the weapon's glance.

"Here 'tis otherwise :—her pinions round about my fevered brow
Casts unutterable longing,—like a dreaming man I go ;
Ne'er forget the shrine of Balder, ne'er forget the oath she spake,—
And that oath, she brake it never,—'twas the cruel gods that
brake.

"For they hate the sons of mortals, see their joys with angry fret,
They my budding rose have taken, and in winter's bosom set.
What should winter do with roses ? He can never know her price,
But his chilly breath incloses bud and leaf and stem in ice.'

"Nu ar jagarskaran färdig. Hejsan ! öfver berg och dal !
Hornet smattrar, falcken stiger lodrätt emot Odens sal.
Skogens äbor fly med ängest, söka sina kulors hem,
Men med spjutet sträckt fram för sig är Valkyrian efter dem.

"Gamle Kungen kan ej följa jagten som hun flyger fram,
Ensam vid hans sida rider Frithiof, tyst och allvarsam.
Mörka vemodsfulla tankar växa i hans gvalda bröst,
Och hvarthelst han än sig vänder, hör han deras klagoröst.

"O ! hvi öfvergaf jag hafvet för min egen fara blind ?
Sorgen trifs ej rätt på vägen, blåser bort med himlens vind.
Grubblar viking, kommer faran, bjuder honom upp till dans,
Och de mörka tankar vika, bländade af vapnens glans.

"Men här är det annorlunda, ousäglig längtan slar
Sina vingar kring min panna, som en drömmande jag gar ;
Kan ej glömma Balders hage, kan ej glömma eden än,
Som hon svor,—hon bröt den icke, grymma Gudar bröto den.

"Ty de hata menskors ätter, skada deras fröjd med harm,
Och min rosenknopp de togo, satte den i vinterns barm.
Hvad skall vintern väl med rosen ? Han förstar ej hennes pris,
Men hans kalla ande kläder knopp och blad och stjälk med is.'

"Thus the while he plain'd they found them in a darksome dell and lone,

Close of hills encircled, and of birch and alder overgrown;

Here the King dismounted saying: 'See how sweet and cool a glade,

Let us rest, for I am weary, I will slumber in the shade.'

"'Nay, O! King, thou must not slumber: cold and hard as yet the plain,

Sleep is heavy; up! I lead thee quickly to thy home again.'

'Sleep, like other gods,' he answered, 'cometh when we least suppose,

Won't my gentle guest so kindly grant his host an hour's repose?'

"Then took Frithiof off his mantle, and upon the ground it spread,

While the aged king securely laid upon his knees his head;

Slept as peaceful as the hero sleepeth after war's alarms,

On his shield, or as the infant sleepeth in its mother's arms."

The scene of the temptation is an old one, and often painted; but never, we think, better than in the following verses.

"While he sleepeth, hark! there singeth sable bird upon the tree;

'Haste thee, Frithiof, haste and slay him, end the grudge 'twixt him and thee;

Take his queen, she's thine in justice; she has kiss'd thee as thy bride,

Here no human eye can see thee, and the grave can secrets hide.'

"Sa han klagade. Da kommo de uti en enslig dab,

Dyster, hopträngd mellan bergen, öfverskyggt af björk och al,
Der steg Kungen af och sade: 'Se! hur skön, hur sval den lund,
Jag är trött, kom lat oss hvila, jag vil slumra här en stund.'

"'Teke ma du soffa, konung: kall är marken här och hard,
Tung blir sömnen, upp! jag för dig snart tillbaka till din gard.'

'Sömnen, som de andre Gudar, kommer när vi minst det tro,
Sade gubben, unnar gästen ej sin värd en timmas ro?'

"Da tog Frithiof af sin mantel, bredde den på marken hän,
Och den gamle kungen lade tryggt sitt hufvud på hans knän;
Somnade så lungt som hjelten somnar efter stridens larm
På sin sköld, så lungt som barnet somnar på sin moders arm.

"Som han slumrar, hör! da sjunger kolsvart fågel ifran gvist:
'Skynda, Frithiof, dräp den gamle, sluta på en gang er tvist,
Tag hans drottning, dig tillhör hon, dig har hon som brudgam
kysst,

Intet menskligt öga ser dig, och det djupa graf är tyst.'—

"Frithiof listens : hark ! there singeth snow-white bird upon the tree ;

'If no human eye can see thee, Odin's eye is watching thee.
Wretch, would'st thou the sleeping murder ? bid the helpless aged die ?

Whatsoe'er thou winnest, honor canst thou never win thereby.'

"While the two birds thus were singing, Frithiof took his broad sword good,

And with shuddering horror cast it far into the darkling wood.
Sable bird to Nastrand hies him, but upon its nimble wings,
Like a lyre-note flies the other upward toward the sun and sings.

"Wakes eftsoons the aged monarch. 'Well hath slumber me restored,

Sweetly sleeps man in the shadow guarded by the valiant's sword.
But where is thy sword, O ! stranger, lightning's brother where is he ?

Who hath parted you who parted from each other ne'er should be ?

"'Matters not.—I can,' said Frithiof, 'in the North aye find a sword;
Sharp is tongue of sword, O ! monarch, seldom uttering peaceful word,

In the steel are darkling spirits, spirits dread from Nifelhem,
Sleep is not secure amid them, locks of silver anger them.'—

"Frithiof lyssnar : hör ! da sjunger snöhvít fagel ifran gvist :

'Ser dig intet mensklígt öga, Odens öga ser dig visst.
Niding, vill du mörda sömnen ? vill du värnlös gubbe sla ?
Hvad du vinner, hjelterykte vinner du dock ej derpa.'—

"Sa de begge faglar sjungo ; men sitt slagsvärd Frithiof tog,
Slängde det med fasa fran sig fjerran i den mörka skog.

Kolsvart fagel flyr till Nastrand, men på lätta vingars par
Som en harpeton den andra klingande mot solen far.

"Straxt är gamla Kungen vaken. 'Mycket var den sömn mig värd,
Ljufvligt sover man i skuggan, skyddad af den tappres svärd.

Dock, hvar är ditt svärd, O främling ? blixstens broder, hvar är han ?
Hvem har skilt er, I som aldrig skulle skiljas fran hvarann ?'

"'Lika mycket, Frithiof sade, svärd jag finner nog i Nord ;

Skarp är svärdets tunga, konung, talar icke fridens ord.

Mörka andar bo i stalet, andar ifran Niffelhem,
Sömnen är ej säker för dem, silfverlockar reta dem.'

Tegnér's rendering of the closing scene is exceedingly beautiful.

"Gentle youth, I did not slumber, only did thy virtue try,
For on man or blade unproven never doth the wise rely.
Thou art Frithiof, thee I knew when first thou in my hall didst tread,
Aged Ring hath long discovered what his prudent guest ne'er said.

"Wherefore stolest thou to my dwelling, deep disguised, with name
suppress't ?

Wherefore but my bride to ravish from her aged husband's breast ?
Honour, Frithiof, sits not nameless in the hospitable hall,—
Sunlike bright is her escutcheon, open are her features all.

"Rumour told us of a Frithiof, foe of gods and men the same,
Reckless would he cleave a buckler, or a temple wrap in flame.
Soon with warlike shield he cometh, so thought I, against my land,
And he came, but cloth'd in tatters, with a beggar's staff in hand.

"Wherefore should thine eye be downcast ? I have had my youth-
ful days,

Life's a struggle from its dawning, youth its Berserkr-rabies,
'T must be press't 'twixt shields until it lose its spirit wild and hot:
I have tried thee and forgiven; I have pitied and forgot.

"Iag har icke sofvit, yngling, jag har blott dig provfat sa,
Obeprofvad man och klinga liter ej den kloke pa.
Du är Frithiof, jag har känt dig allt se'n i min sal du steg,
Gamle Ring har vetat länge hvad hans kloke gäst förteg.

"Hvarför smög du till min boning, djupt förklädd och utan namn?
Hvarför om ej för att stjäla bruden ur den gamles famn ?
Ären, Frithiof, sätter sig ej namulös uti gästfri lag.
Blank är hennes sköld som solen, öppna hennes anletsdrag.

"Ryktet talta om en Frithiof, människors och Gudars skräck,
Skjöldar klöf och tempel brände den förvagne lika käck.
Snart med härsköld, sa jag trodde, kommer han emot mitt land,
Och han kom, men hölj'd i lumpor, med en tiggars taf i hand.

"Hvarför slar du ner ditt öga? jag var också ung en gang,
Lifvet är enstrid fran början, ungdomen des Berserksäng.
Klämmas skall hon mellan sköldar, tills det vilda modär tömdt:
Jag har provfat och förlatit, jag har ömkat och förglömt.

"See thou, I am old and shortly laid within the mound shall be,
Take thee then, young man, my kingdom, take my queen, for thine
is she.

Be my son, and dwell till then as heretofore within my hall;
Swordless champion shall defend me, and our old dispute shall fall."

"'Never,' answered Frithiof darkly, 'came I as a thief to thee,
And would I thy queen have taken, say, who could have hinder'd
me?

But I would again once more, once more on my affianced gaze,
And, ah! fool!—again within me waked the half-extinguished blaze.

"'In thy hall too long I've linger'd, longer may not linger now,
Unappeased the gods' dread vengeance heavy rests upon my brow,
Balder with the golden tresses, who so loves the human kind,
I alone of him am hated, I alone to woe consign'd.

"'Yes, I wrapt in flame his temple, Vargr i Veum * men me call,
Children shriek my name on hearing, gladness flies from festal hall.
Fatherland in wrath rejecteth me her child that have transgress't,
Outlaw'd in my home and country, outlaw'd in my very breast.

"'I will no more seek for quiet on the earth with green array'd,
'Neath my feet the fields are burning, trees no longer give me shade.
Ingeborg is lost for ever, her did Ring the aged gain,
Life's sun is for me extinguish't, solid darkness round doth reign.

"Ser du, jagär gammal vorden, stiger snart i högen in;
Tag mitt rike da, o yngling, tag min drottning, hon är din.
Blif min son till dess, och gästa i min kungssal som förut;
Svärdlös kämpa skall mig skydda, och var gamla tvist har slut.

"Täke, svarar Frithiof dyster, kom jag som en tjuf till dig,
Ville jag din drottning taga, säg hvem skulle hindrat mig?
Men min brud jag ville skada, en gang, ock! blott en gang än.
O! jag dare, halfsläckt laga tände jag pa nytt igen!

"I din sal jag dröjt för länge, gästar mer ej der, o kung!
Oförsonda Gudars vrede hvilar pa mitt hufvud tung.
Balder med de ljusa lockar, han som har hvar dodlig kär,
Se, han hatar mig allena, ensamt jag förkastad är.

"Ja, jag stack i brand hans tempel; Varg i Veum * heter jag;
När jag nämnes, skrika barnen, glädjen flyr ur gästfritt lag.
Fosterjorden har förkastat en förlorat son med harm,
Fridlös är jag i min hembygd, fridlös i min egen barm.

"Täke pa deu gröna jorden vill jag söka friden mer,
Marken bränner under foten, trädet ingen skugga ger.
Ingeborg har jag förlorat, henne tog den gamle Ring,
Solen i mitt lif är slocknad, bara mörker rundtomkring.

* Temple profaner.

“Then away unto the billow,—Ho! my good ship out again!
 Bathe again thy pitchy bosom gaily in the briny main:
 Spread thy wings unto the welkin, hissing through the waters fare,
 Fly as far as star can guide thee, or the conquered billows bear.

“Let me hear the tempest roaring, how the crashing thunder
 swells!

When the storm is howling round me peace in Frithiof's bosom
 dwells.

Clang of arms and arrow-shower! On the wave doth battle glow,
 Reconcil'd I fall with gladness, and to gods atoned I go.”

Almost at the very same time with Tegnér, Johan Ludvig Runeberg was born at Jakobstad in Finland, 1783. His father was a sea-captain in very humble circumstances; and as his family was large, a brother possessed of somewhat more ample means took the boy home to bring up. Dwelling with his uncle at Uleaborg, the birthplace and earlier residence of the poet Franzén, the young Runeberg's susceptible mind is said to have been much stimulated and developed by the constant vicinity of the memorials of this elegant poet. The death of his uncle, however, put an end to his residence at Uleaborg, and he was removed to old Carleby school. In 1802 he became a student at Åbo University, and having taken his master's degree, was made “Docent” at Helsingfors, and subsequently received the title of professor. Though by birth he is a Finn, and has never been in Sweden, yet his works are all written in Swedish, and he is without question the chief poet now living in the language. In 1824 king Oscar bestowed on him the order of the Polar Star, but from the Russian Government he has not received any decoration, though a small salary has been granted him. His chief productions are *Elgsskyttarne* (*the Elk-shooters*), *Nadeschda Iulqvällen* (*Christmas evening*), *Fänrik Stals*

“Derföv, hän till mina vabor! Eja, ut, min drake god!

Bada ater becksvalt bringa lustigt i den salta flod;

Hvifta vingorna i molnen, hväsande de vabor skär!

Flyg så langt som stjernan leder, som besegrad bölja bär!

“Lat mig höra stormens dunder, lat mig höra askans röst!

När det danar rundtomkring mig, da är lugn i Frithiofs bröst.

Sköldeklång och pilregn, gubbe! Midt i hafvet slaget star,

Och jag stupar glad, och renad till försonta Gudar gar.”

Sägner, (*Ensign Stal's Tales*), and Kong Fjaler, (*King Fjaler*), which last we look upon as his finest piece, though Fänrik Stal is the most popular of his compositions, and this naturally on account of the glowing patriotism that has evidently dictated every line. As a poet, he is less penetrated by the beauties of the ancient Greek school, and far less gorgeous, than Tegnér; but there is in his works a natural grace which is extremely charming, and a heroic vigour which carries the reader's interest along with the tale. We give the following specimen of his style. The piece chosen, "Sveaborg," is not generally printed with his works, but would naturally belong to the Cycle of Fänrik Stal, as being a tale from the Finnish War.*

SVEABORG.†

"Vi sutto efter slutad dag
Vid aftonbrasans sken,
Den gamle Fänrik Stal och jog,
Det var var vana re'n ;
Var dag flög bort vid glam och
skämt,
Da rakte Sveaborg bli nämndt.

"'Twas when the daylight was gone
by,
At the evening-brazier's sheen,
We sat, old Ensign Stal and I,
For such our wont hath been ;
Our day in chat and jest was passed,
When Sveaborg was named at last.

* We regret that our notice of this really fine poet is so scanty, but within the territory of the Russian Government, it is very difficult to obtain trustworthy information regarding living characters or events actually passing; and we abstain from repeating hearsay reports, the truth of which is, to say the least, very dubious.

† This strong fortress (pronounced as three syllables) was early in the present century the chief stronghold for the maintenance of Finland against the aggressions of the Russian despot, and was then strongly garrisoned and supplied with every requisite for a defence of more than a year without relief. Gustavus IV., whose folly and weakness, if they cost Sweden heavy losses, brought at least the benefit of a revolution that gave the country a really free constitution, and a good Dynasty, had appointed Admiral Carl Olof Cronstedt, then in disgrace with the court, to the government of this important fortress, and abolished the law that provided that when a governor would capitulate he might be superseded by any other officer the garrison might elect. On the 17th of March, 1808, the Russians commenced an attack upon the fort, but with so little success, that on the 6th of April the besieged had lost only six men. On the last named day however the governor branded himself with everlasting infamy by signing a disgraceful capitulation, according to which on the third of May he delivered the place, together with 300 gun-boats and transports, to the enemy; and, without waiting for the igno-

"Jag nämnde flyktigt blott dess
namn,

Men det blef allvar da :

"Har du sett ön i hafvets famn

Med Ehr'nsvärds* festen på,
Gibraltars like i var Nord ?

Så tog den gamle mörk till ord.

"Den blickar öfver haf och fjärd

Med ögon i granit,

Den lyfter högt sitt Gustafssvärd,†

Och menar stolt: kom hit!

Det svärdet höjs ej för att slå,

Det blixtrar blott och krossar da.

"Lat bli att trotsigt nalkas ön,

När kniget gör sin rund!

Stör icke drottningen af sjön

I hennes vredes stund :

Hon sänder mot dig dödens bud

I tusende kanoners ljud.

"Tillbaka trängd var Finlands
tropp,

Vid Polens gräns den stod ;

Dock flammade ännu vart hopp,

Dock glödde än vart mod ;

Att bota allt ej tycktes svart

Så länge Sveaborg var vart.

"Klar blef i hast hvarenda blick

När detta namn blott ljöd,

Allt knot blef slut, all sorg förgick,

Det faus ej köld ej nöd :

Ny fart den Finska björnen tog,

Och lyftade sin ram och slog.

"But passingly I named the place,
Yet grave the matter grew :

'Hast seen the isle i' th' flood's em-
brace,

And Ehr'nsvärd's * bulwarks too.

Our North's Gibraltar ?" Thus began

In darksome mood the aged man.

"It frowns o'er ocean and fiord

With eyes of granite drear,

It lifts on high its Gustafssword,†

And seems to say ;—come here !

That sword is rais'd, but not to smite,

It doth but flash and crushes quite.

"Dare not approach that isle too near

When war doth circuit forth,

To stir the ocean's queen forbear

In her dread hour of wrath.

She casts the summonses of death

O'er thee in thousand cannons' breath.

"Though backward driv'n were Fin-
land's troop,

And stood on Polar ground,

Yet still high blaz'd the flame of hope,

Still glow'd our courage sound :

'Twas thought that all might be re-
dress'd

While Sveaborg we still possess'd.

"Bright beam'd each Finnish war-
rior's eye

When that dear name was told,

All hardship past, all care gone by,

No thought of want or cold :

The Finnish bear him fresh bedight

And lifted high his paw to smite.

minious dismissal from his country's service, which of course followed his treachery, entered the service of Russia. This infamous transaction has never been fully explained. The treaty of capitulation contains the following singular clause, viz., "that after the re-establishment of peace, Sveaborg should be restored to Sweden, provided that England restored to Denmark the fleet taken from her in 1807." How far this condition would have been observed, had England restored the Danish fleet, it is easy to guess.

* The Engineer who fortified Sveaborg.

† Name of one of the Islands of which Sveaborg consists. The poet plays on the terminal syllable, which must therefore be translated.

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- " Pa drifrans bädd hur mängen
natt
Man hörde detta ord,
Af graa kämpen der han satt
Langt skiljd fran hemmets jord;
Det var hans tält, när det var kallt,
I fjerran bygd, hans hem, hans allt.
- " Da flög en hviskning oss förbi,
En sagan söder fran ;
Den talte om förräderi,
Om vara vapens hau.
Fran man till man, fran trakt till
trakt,
Den möttes blott af stolt förakt.
- " Ej glöms i tiders tid den dag
Da denna säg'n blef sann,
Da likt elt dystert thordöns slag
Det säkra bud oss hann :
Att landets sista hopp gatt ner,
Att Sveaborg var Svenskt ej mer.
- " Har hafvets bottenlösa svalg
Det i sin afgrund sänkt?
Har Himlens blix, har askans
knall
Dess fasta murar sprängt?
Finns ingen mer pa vallen kvar?
Det fragtes blott, det grafs ej svar.
- " Men djupt ur mängen ärrig barm
En pressad suck sig bröt,
Och mängen blick, pa tarar arm
I strida floder flöt ;
Det hode dött, ens Fosterland,
Man stod och grät pa gravvens rand.
- " O Lif ! Den man, hvars skuld
det var
Att denna tarflod rann,
En gang den skönsta lager skar
Som nagon hjelte vann:
Den Svenska flottans största glans,
Dess seger vid Svensksund,* var
hans.
- " On bed of snow at night-time late
Full oft from warrior grey,
That name was heard, as there he
sate,
From home far far away :
That was his tent at cold night-fall,
In distant land, his home, his all.
- " A flying whisper pass'd us by,
From South a rumour came,
It told of darkest treachery,
That put our arms to shame.
From tract to tract, from man to man,
It met but proud derision's ban.
- " Ne'er be forgot the day when first
That tale was known for sooth,
When, like the darkling thunder, burst
O'er us the fearful truth :
That Finland's latest hope was o'er,
And Sveaborg's the Swedes' no more.
- " With sateless maw to depths below
Hath ocean drawn it down ?
Hath lightning's flash or storm-bolt's
blow
The solid walls o'erthrown ?
Remains there on the rock not one ?
'Twas ask'd of all, replied of none.
- " But deep out-burst the struggling
sigh
From many a skarry breast,
And weeping floods from many an eye
With tears ill-furnished press'd :
'Twas dead,—our Father-land had
died,
We stood and wept the grave beside.
- " O ! Life.—That man whose deed
accurst
Had caus'd those tears to run,
Had earn'd the fairest laurel erst
That ever hero won :
The Swedish Navy's triumph high,
Svensksund's * immortal victory.

* This Victory of the Swedish over the far larger Russian Fleet, took place 1790, July 8.

- "Men om sitt ljus, sin glans en värld
 Utaf hans klinga fatt,
 Om solar bleknat för hans svärd
 Skall han föraktas blott;
 Det blir hans lön för hans bedrift
 På klippan der vid Ehr'nsvärds
 grift!
- "But if a world its glories all
 From off his blade had drawn,
 If suns before his sword should pall,
 He now shall meet but scorn:
 Such be his crime's eternal doom
 Upon the rock by Ehr'nsvärd's tomb.
- "Du älskar, yngling, ton och sang,
 Var forntid älskar du;
 Kanhända sjunger du en gang
 Hvad jag förtäljer nu:
 Da gif hans svarta bragd sin dag,
 Men hölj i natt hans namn, som
 jag.
- "Young man, thou lovest music's lay,
 Thou lov'st our ancient lore;
 And may be thou shalt sing some day
 The things I now go o'er:
 Then give to light his deed of shame
 But e'en like me, conceal his name.
- "Förtig hans ätt, namn ej hans
 stam,
 Hvälf ej på dem hans brott!
 Ma ingen rödna för hans skam
 Den drabbe honom blott!
 Den som förradt sitt land, han har
 Ej ätt, ej stam, ej son, ej far.
- "Name not his kin, name not his race,
 His guilt on them to cast!—
 Let no one blush for his disgrace,
 Him only let it blast!
 His land's betrayer,—ne'er hath he
 Son, Father, race, nor pedigree.
- "Nämn honom blott: den falske
 orm
 Man ställt till Finlands stöd,
 Nämn honom blygd, och han, och
 skam,
 Och skuld, och straff, och död!
 Det är blott så han kallas bör,
 Det är att skona den som hör.
- "Call him alone:—that serpent base
 To Finland's succour sent,—
 Call him alone Shame, Scorn, Dis
 grace,
 Guilt, Death, and Punishment!
 Such names alone he ought to bear,
 The hearer's feelings 'tis to spare.
- "Tag allt hvad mörker finns i graf,
 Och allt hvad qval i lif,
 Och bilda dig ett namn deraf,
 Och det at honom gif:
 Det skall dock väck a mindre sorg
 An det han bar på Sveaborg."
- "Take all the darkness of the tomb,
 Life's woes and sorrows all,
 Form thee thereof a name of gloom,
 Thereby the traitor call:
 It shall awake a pang less sore
 Than that at Sveaborg he bore."

A few years earlier than the poets already named, John Olof Wallin was born at Tuna, in Dalecarlia, 1779, Oct. 15. His father, who was first a subaltern, and afterwards lieutenant in the Dal-regiment, was sensible of his son's talents, though not at first very apparent; and, in spite of the slenderness of his own circumstances, main-

tained him at the Gymnasium (provincial school) and afterwards at the university. He did not however particularly distinguish himself till he had reached his twenty-sixth year, when he all at once came forward as a poet of a high rank, and on the 20th of December, 1805, received the first prize from the Royal Academy for his poem, "Uppfostraren," (*Bringer up, Educator.*) and two others for translations from the Latin. Neither before nor since has any Swedish Skald obtained at once such high distinction. For some years afterwards it was he who regularly gained the Royal Academy's prizes; and in 1808 he gained the greatest prize the Academy ever gave, viz., two hundred Dukats,* for his poem on the inauguration of Gustaf III.'s statue. The next year he was chosen a member of the Royal Academy, and from this period his muse was dedicated exclusively to religious subjects; and if on ordinary worldly topics he has been surpassed by other poets in the language, on the ground of his religious poetry, no Swedish bard has yet appeared who can dispute his possession of the first place. In 1805 he had been admitted to holy orders, and was appointed assistant teacher of theology in the Royal Military and Naval College of Carlberg, at Stockholm, and, three years afterwards, became incumbent of the adjoining parish of Solna, and received the degree of Doctor in Divinity. In 1811 he was appointed one of the committee for reforming and improving the Swedish Church Hymn-Book, but this work was afterwards committed to him alone. He discharged his task admirably, the Hymn-Book he produced being said to be considerably superior to that of any other Protestant Church. Its merits, however, we shall not here discuss. As an orator, especially in the pulpit, Wallin was universally admired, and on grand occasions, such as the consecration of churches and cemeteries, his eloquence was truly remarkable. In 1812, he was appointed to the pastoral duties of Adolf Fredrik's Parish, in Stockholm, and, in 1816, Dean of Westeras Cathedral. This last preferment, how-

* A Dukat is a gold coin weighing about 53½ grains, of which about 1½ grain is alloy. We do not know how much alloy English gold coin contains, but if it be in the same proportion, the value of the Dukat will thus be 8s. 3d. 2.688 qrs., reckoning twenty shillings to the sovereign.

ever, he never entered upon, being at the same time elected by the congregation of the Storkyrka (*Great Church*) at Stockholm, to the pastoral office in their parish. This preferment he held till his death; for, although he was in 1837 unanimously elected Archbishop of Uppsala by the whole priesthood of the country, and the choice was confirmed by the Sovereign, and he was actually made Archbishop, yet he never actually entered upon the revenues, or the residence of the metropolitan see, but continued the duties of his parish in Stockholm. In Sweden, when a bishop or clergyman dies, his widow (if there be such) has what is called a year of grace, during which she continues to occupy the official residence, and receive the income of the see or parish; and the successor thus does not come to his emoluments till this year is ended. Wallin did not live to enter upon the revenues and occupy the residence of the Archbishops of Uppsala. On a journey thither, for the discharge of his duties, he was seized with sickness, which carried him off unexpectedly on the 30th of June, 1839, in the sixtieth year of his age. His burial, which took place in the new cemetery at Stockholm, presented a scene that may give an idea how highly he was valued, for nearly the whole population of Stockholm joined in the funeral procession. Together with the Archiepiscopal dignity he had received the Order of Knight of the Seraphim. To enable our reader accurately to estimate his poetical talent, we select for translation, one of his principal compositions of a religious character, which we look upon as one of the happiest efforts of his genius.

DODENS ENGEL.

"J Adams barn, som af jorden
födens,

Och vänden ater till jorden om!
J ren mina, J ären dödens,
Allt sedan synden i verlden
kom.

Jag star i ster
Och nar till vester,
Och tusen röster,
J tidens gäster.

Jag bär till eder med Herrens ord
Fran luft och lagor och haf och
jord.

THE ANGEL OF DEATH.

"Ye Adam's sons, that of earth are
born,

And unto earth shall return again,
Ye are mine,—of Death the prey for-
lorn,

Sith earth was entered by sin and
bane.

I reach from dawning
To sunseting,
And voices warning

I thousands bring,
Ye guests of time, that God's word
declare,

From earth and ocean and fire and air.

- "J bon och byggen som sparfvar bygga
 Sitt bo i sommarens gröna lund.
 De sjungo glada, de sutto trygga
 I trädens löfviga skygd, en stund :
 Men fagla-nästen
 Ej profvet höllo,
 När deras fästen
 För stormen föllo,—
 Och tyst blef sangen och sjöngs ej om,
 Och glädjen gangen ej aterkom.
- "Ye build and dwell, as the sparrows making
 Their green-grove nests in the summer's smile,
 They sit securely, in song outbreking,
 To glad in the happy shade awhile.
 But the sparrow's bower
 No test could last,
 O'erthrown by the power
 Of tempest-blast :—
 And ne'er renew'd was the silenc'd strain,
 And joy departed ne'er came again.
- "J gan och sucken, som dafvor sucka,
 För morgondagen som J ej sett;
 Da oförtänt, som en fallets lucka,
 Sig jorden öppnar för er med ett.—
 Och i forsvinnen
 I plötsligt nedan,—
 Och edra minnen
 Försvinna sedan :—
 Och mytänd mane ur silfversky
 Ser andra komma,—och andra fly.
- "Ye go and sigh like the ringdove calling
 For ne'er-experienced morning's dawn ;
 When all at once, like a trap-door falling,
 Earth opes beneath you with sudden yawn.—
 And ye pass from sight
 All downward plunged,—
 And soon from light
 Is your name expunged.—
 And the new-lit moon in the silver sky
 Sees others come and sees others fly.
- "J sväfvén lätta i dansens ringar,
 J stöjen yra i nöjet lag,
 Och nyrten blommor och lyran klingar.—
 Men öfver tröskelen stiger jag :
 Da stadner dansen,
 Da sänkas ljuden,
 Da vissnar kransen,
 Da bleknar bruden.
 Och sorg är änden, som skriften sagt,
 Uppa all glädje och glans och makt.
- "Ye flit through the dance's mazes bounding,
 Ye madly riot in pleasure high,
 The myrtle blooming, the lyre resounding :—
 But who o'er the threshold steps ?
 'Tis I.
 The dance is ended,
 The chaplet dried,
 The song suspended,
 All pale the bride ;
 And joy, and glory and might below,
 As Scripture teacheth us, end in woe.
- "Iag är den starke, som hafver makten,
 Till dess en starkare komma skall,
 Pa höga fjällen, i djupa schakten,
- "I am the mighty with might to keep,
 Until there cometh a mightier still,
 O'er lofty hill, and in shaft so deep,
 It is my spirit that bloweth chill.

Det är min anda, som susar kall. Contagious might,
 De smitten ilar, As it sweeps the earth,
 Som rensa länder ; The shafts of night,
 De mattens pilar As I hurl them forth,
 Som ut jag sänder, They strike their victims, and to them
 De sla sitt offer, och slaget tal yield
 Ej mur af koppar, ej sköld af stal. Both brazen rampart and iron shield.

"Iag sveper vingen om nordan- "My wing envelopes the northern
 stormen, storm,
 Och rullar dynande vag mot I roll the billows against the strand,
 strand, I crush a government's cunning form,
 Af stats-systemer jag krossar And wrest the bolt from the thun-
 formen ; derer's hand.
 Och vrider vigen ur dunderarns Like night-watch pace,
 hand. I ages chase,
 Som nattens väkter, And human races
 Jag sekler jager ; And works and days.*
 Och menskoslägter They roll like billows my foot before
 Och verk och dager,* Until the last wave's moan is o'er.
 Som böljor hvälfva sig för min fot
 Tills sista böljan der lagt sitt knot.

"Mot mig förlora sig vett och "Nor arms nor knowledge my might
 vapen, can brave,
 Mot mig ej lärdorn och konst Nor art nor science my hand re-
 består. strains,
 Jag frihet ger at lifegenskapen, 'Tis I give freedom unto the slave,
 Och herrskarviljan i jern jag 'Tis I the oppressor who bind in
 slar. chains.
 Iag striden leder, I lead the fray,
 Och härar falla ; And whole armies fall,
 De ligga neder, Down, down sink they,
 De ligga alla, Even one and all,
 Och vakna ej vid larmtrummans And they wake not up at the watch
 bud, drum's round,
 Men först vid domens basuna-ljud. But first at the doom-trump's awful
 sound.

"Min hand blott vinkar,—och "My hand but waveth,—and earth is
 jorden sopas : bared,
 Allt lefvande till det rummet far, And thither passeth whate'er doth
 Der intet öra hör namnet ropas, live,
 Och ingen tunga sig rör till svar Where ear ne'er heareth the name
 declared

* 'Εργα και ήμέραι.

Min fot lustvandrar,—
 Och stjelper throner;
 Och Alexandrar,
 Napoleonar,
 De herrar fordue i hög a loft,
 De äro vordne en handful stoft.

And tongue ne'er moveth reply to
 give.
 My foot it wanders,
 O'erturning thrones,
 And Alexanders,
 Napoleons,
 These lords e'erwhile in their pride's
 array,
 A handful of ashes and dust are they.

"I laga jorden pa den de vandra,
 Pa den de strida om rang och
 arf,
 Jag blandar slägterna om hvaran-
 dra,
 Jag lägger tiderna hvarf pa
 hvarf,
 I djupa natten
 Ej följer prakten,
 Och icke skatten,
 Ock icke makten.
 En gang de ägas;—en annan
 gang
 De andras äro, som laga fang."

"In nether earth whereupon they
 pace,
 For wealth and honours to strive
 and rage,
 I hurl confusedly race o'er race,
 And roll the centuries age o'er age.
 No grandeur's pleasure
 In that deep night,
 Nor follows treasure,
 Nor follows might,
 One day man hath them,—another day
 They are anothers, as lawful prey."

The angel goes on to describe the instability of human things, and the fleetingness of earthly happiness. There is much grandeur as well as deep feeling in the noble verses which follow.

"Ej ofvan jord är en borg belägen,
 Som eder taygger, I vandrings-
 män!
 En egen egendom J ej ägen,
 Fast öppet fastebref lydt pa den.
 Se, diademen
 Och sorgedoket,
 Och purpurbrämen
 Och arbets-oket,
 Sig nya hufvuden sluta kring,
 Om nya halsa de sla sin ring.

"On earth is never the fortress
 known
 Where, wanderers, safety for you is
 found;
 And no estate can ye call your own,
 Howe'er the titles in law may
 sound.
 Behold! The crown,
 And the veil's dark falls,
 The purple gown,
 And the yoke that galls,
 Find other brows in their wreaths to
 wind,
 And other necks in their chains to
 bind.

"J ären komne, J skolen ganga; "Ye are hither come, and ye hence
 I hafven här icke hem och hus: shall flee;
 J skolen bo i den staden tranga, Ye have neither house nor home
 Der sol ock mane ej tända ljus; below;
 Der sköldemärket In that city strait shall your dwelling
 I porten krossas, be,
 Och ur dagsverket Where sun ne'er shineth nor moon
 Den trötte lossas, doth glow,
 Och fangens länker ock hjertats Where the scutcheon brave
 band, At the gate is brest,*
 Sa spröda brista för samma hand. And the weary slave
 Is dismiss'd to rest,
 Where the heart's soft string and the
 captive's band
 Are sunder torn by the same rough
 hand.

"Hvar är din Moder? Hvar är "Where is thy Mother? And where
 din Maka? thy bride?
 Da ha de vandrat den vägen Then have they wander'd that path
 bort, of woe,
 Pa den de komma ej mer tillbaka, Where journey back is to all denied,
 Pa den du följer dem innau kort. And thou must after them shortly go?
 Ty Skatten akta, Then guard the store
 Som Gud dig sänder! That Heav'n confides,
 Den halker sakta For evermore
 Ur dina händer, From thy hands it glides,
 Och ses ej ater af dig, förrän And ne'er again shall be seen of thee,
 Du svara skall hur du vardat den. Till call'd to answer for it thou be.

"Hvar är din Broder? Hvar är "Where is thy Brother? Thy Fellow
 din Like? where?
 Sa fragar Herren dig da ej mer. No more Jehovah unto thee saith.—
 Da har du bröder, du spotske rike! Yes! proud rich fool, see thy brother
 Uti de matkar, du näring, ger.— there,
 Och nar de mätta, The worm upon thee that bat-
 Som du, aflida, teneth.—
 Skall efter detta Their fill they eat,
 En matk dig bida, And, like thee, they die,
 Som nars och lefver, i evig tid, But there doth await
 Uppa ett samvete utan frid. Thee eternally
 A worm that liveth and gnaweth ever
 Upon a conscience that resteth never.

* In Sweden, when a noble family dies entirely out, the escutcheon is broken over the grave of the last member at his burial.

"Han bider eder, som liknöjdt "Yes you it waits who, if ye may
 skaden stand,
 En annans fall blott J sjelfve Can look unmoved on another's fall,
 stan! Betray your faith and your father-
 land,
 Som tro och fädernesland förraden, And dare the Holy One mock withal,
 Och med den Helige drifven han! Lead hearts astray,
 Som lagar vriden, And the law distort,
 Och hjertan villen, And the guiltless' way
 Och oskultsfriden Corrupt in sport.—
 Pa lek förspillen! Your sport it endeth in woe and bale,
 Och ve blir slutet pa han och lek, When vengeance' spectre ariseth pale.
 Da hämdens valnad sig reser blek.

"Han bider eder, J lögnens andar! "Ye lying spirits, it waiteth you,
 Da tungan lader vid eder gom, Where to your palate shall cleave
 At redligheten sitt gift hon your tongue,
 blandar, That poison mix'd for the good and true
 Och äran faller för hennes dom. And condemn'd the guiltless by
 Men mot min gläven judgment wrong.
 I intet kunnen: But 'gainst my glaive
 Jag spärrar grafven Can ye nothing win,
 Och smädemunnen, I close the grave
 Som nästa gang, se'n han malet And the lips of sin,
 mist, That next answer, their aim o'ercastr,
 För Den skall svara som dömmar To Him whose doom is for ever fast."
 sist."

Then comes the lesson founded upon these awful truths. It is brief, but full of power and significance.

"Rans-aken, dödlige! edra syften, "Then search you, mortals, your ob-
 Med bäfvan forsken er sjals jects sifting,
 begär; Your souls with fear and with trem-
 Och rena händer och hjertan lyften bling scan;
 Till Den som vet hvad i menskan And hands unspotted and hearts up-
 är. lifting
 J till den orten To Him who knoweth what is in
 Dock skolen lända, man.
 Der öfver porten, Unto that state
 Till tidens ända, Doth your journey tend,
 Det skrefs oryggeligt, det beslut: Where o'er the gate,
 Här hvar gar in, och gar ingen ut. Until time shall end,
 Is changeless written the sentence
 stern,
 Here all must enter, but none return.

"Er jorden slukar, med värf och planer,
 Och lycker ater sin mun igen,
 Om likt favoner, om likt orkaner,
 J vederqvickt eller härjat den
 Men ej af jorden
 Ert matt begären ;
 Ty det J vorden
 Och det J ären,
 Det verket eder blef anbefaldt
 Den Ende känner som känner allt."

"You earth doth swallow, with deeds
 and plans,
 And closeth o'er you her mouth in
 haste,
 Whether like Zephyrs or hurricanes,
 Ye have served to quicken or served
 to waste.
 But seek not there
 For your destiny,
 What now ye are
 Or hereafter be,
 The work that doth to your portion fall
 He only knoweth who knoweth all."

Yet the poet does not fail to interpose amidst the terrors and the warnings which are the peculiar characteristic of his awful subject, those christian topics of consolation and hope, which for the trustful heart strip death of all that makes it truly terrible.

"Hvad Herren äskar, till dig Han sade ;
 Han mätte ut, för ditt vandring-slopp,
 Hvad du, o menska! att bära hade
 Och hvad du hade att fylla opp,
 Han kraft beskärde
 Till hvad du borde,
 Och vishet lärde,
 Att rätt du gjorde,
 Om blott du hörde i lydigt bröst
 Den store, helige Andens röst.

"What God demandeth doth God
 declare,
 He hath meted out for thy life's
 career,
 The load, O! man, that thou hast to
 bear,
 The work thou hast to employ thee
 here.
 And strength gave he,
 And gave wisdom's light,
 Enough for thee
 To demean thee right,
 If thou with duteous heart hast heard,
 The great, the Heavenly Spirit's word.

"Hör ande-rösten, den klara, djupa,
 Och i hans ärende upprätt gack;
 Du se'n ej spörje, om du skall
 stupas,
 Ej heller sörje för världens tack!
 Du fylla kallet,—
 Och frukte icke!
 Ur sjelfva fallet
 Du uppat blickel
 Sa skall dig fatta en englahand
 Och stilla föra dig till ditt land.

"Hark to the Spirit's clear deep-toned call,
 And eager speed thee His path to go,
 And ask not whether thou art to fall,
 Or whether the world will thank or no.
 Fulfil thy calling,—
 Affright thee never!
 And e'en in falling
 Look upward ever!
 And there shall meet thee an angel's
 hand
 To lead thee gently unto thy land.

- "Gack trygg i styrkan af ädel vilja,
Igenom profvets och mödans tid !
Sa kan dig världen fran lyckan skilja,
Men ej fran dygdens och sinnets frid :
Sa kan i jorden Vål kroppen myllas,
Dock guda-orden Pa anden fyllas :
*Du trofast var intill dödens dag ;
Nu, gode tjenare ! lönen tag.*
- "Go forth in the might of a noble heart
Through days to trial and woe con-
signed,
The world from fortune it can thee part,
But ne'er from virtue and peace of mind :
That flesh of thine It may putrefy,
But the words divine To thy soul apply :
*Thou steadfast even to death hast striven,
Now, faithful servant, thy meed be given.*
- "Gör rätt at alla, och lindra nöden,
Och trösta sorgen, hvarhelst du kan !
Försvara sanningen uti döden,
Och vinn som Christen, och fall som man !
Ej jordisk vinning Till lön du tager,
Ej kring din tinning En snarblekt lager,
Men ljus och evig och skön och hel,
De sälla heligas arfvedel."
- "Do right to all men, and comfort pain.
Console the wretched, if that thou can,
And truth unshaken in death main-
tain,
As Christian conquer, and fall as man.
No earthly gain And no laurel braid
Shalt thou obtain,
On thy brows to fade,
But light, eternal, complete, divine,
The heritage of the saints is thine."

Among the many topics which the thought of death suggests, the Swedish poet does not overlook the argument of our immortal destiny which is drawn from the unrequited good and evil of man's career on this side of the grave.

- "Hvad vore Tron, om den icke lage
En klarögd perla pa hjertats grund,
Och opp till himmelen stilla sage,
Da skalet brister i mognans stund ?
Den sköna hvilan
Gör slut pa plagan,
Och—blixtrar bilan,
Och flammar lagen,
Martyr : se himmelen oppnar sig,
Och kronan räcker Försonarn dig !
- "O ! what were Faith then, unless it lay
In the heart's recesses, a pearl-bright eye,
That looks all peaceful heavenward aye,
When bursts the shell in maturity ?
That rest supreme
Is an end to woe,
The sword may gleam
And the flame may glow,
But Martyr, see heaven opening, see
The crown thy Saviour offers thee.

- "Hvad vore Dygden, om lifvet vore
 Med stoftets flämtande gnista
 släckt?
 Du förste *Gustaf!* Du andre *Store!*
 Du frie, modige *Engelbrekt!*
 Och alla visa,
 Och alla ömma,
 Som menskor prisa,—
 Och menskor glömma!
 Hvad vore ömhet, förstand, och kraft,
 Om endast grafven till mal J
 haft?
 "Hvad vore Aran, som till er
 ropar
 Att värda pligten—att dö for
 den,—
 Om hon berodde af fala hopar
 Och deras falare hufvudmän?
 Nu stralar friden
 Fran hennes anlet,
 Om också tiden
 En suck föranlät,
 Ty tiden stänkar ej upp sitt dam
 Till stjernegatan der hon gar
 fram."
- "O! what were Virtue, if living state,
 With dust's poor flickering spark,
 were wreckt?
 Thou first *Gustaf!** Thou second
 Great!†
 Thou free thou valorous *Engelbrekt!*‡
 And all the wise
 And affectionate,
 That men high prize,—
 And that men forget!
 O! what were wisdom, and love, and
 might,
 If their only end were the charnel's
 night?
 "O! what were Honour that calls
 aloud
 In duty's cause our blood to spill,
 If she depend on the faithless crowd,
 Or on its leaders more faithless
 still?
 Now peace sublime
 On her brow doth glow,
 And e'en if time
 Cause a sigh below,
 The dust of time it can never rise
 Her path to dim in the starry skies."

But above all, he dwells with especial tenderness on the hollowness of earthly happiness, even in its purest and most ennobling forms, and on its insufficiency to satisfy the cravings and aspirations of the intelligent soul. We have seldom had anything more touching than these verses.

- "Hvad vore Lyckan? Hvad vore
 Glädjen,
 I kärleksringen så ljuf och
 ren,—
 Om, när den bryts, J ej återkedjen
 Dess brutna länkar vid Hoppets
 sken?
- "O! where were happiness? Gladness
 where,
 In love's most tender and holy
 chain,—
 Unless 'twere given us to repair
 The links, when broken, in hope
 again?

* Gustaf Vasa, still commonly considered as a *good* man by those who know no better.

† Gustaf Adolf the Great.

‡ The noble hero of Sweden's freedom in the early part of the fifteenth century, basely murdered 1436.

- Sa odeblifvet,
 O hjertan satal
 Hvad vore lifvet?
 En olöst gata!
 Ett obarmhertigt Uriebref,
 Som Gud i vrede för menskan
 skref!
- O! what were Life,
 Were it thus unblest'd?
 Hearts kindness-rife,
 A riddle unguess'd!
 Uriah's letter of fierce intent,
 That God for man in his anger sent.
- "En aldrig Jakob sin Josef mister,
 Och Jonatan ifran David gar,
 Och pressadt bröst i en suckan
 brister,
 Som ingen tröst i all verlden
 far!
 Och Rachel grater
 De kära späda,
 Och sig ej later
 Af något gläda;
 Ty ute är med hvad dyrast var
 För hennes hjerta och hennes dar.
- "The aged Jacob must Joseph leave,
 And Jonathan from his David go,
 The oppress'd bosom a sigh must
 heave,
 When it finds no comfort on earth
 below!
 And Rachel mourneth
 Her children slain,
 And deaf ears turneth
 To comfort's strain;
 For lost for ever the dearest part
 Of Rachel's life and of Rachel's heart.
- "Men Gud är kärleken.—Lugnen
 eder,
 Betryckta hjertan! och fatten
 hopp.
 Det korn, J laden i jorden neder,
 I gyllne skörddar skall spira opp!
 O! hvad J laden
 Med sorg i grafven,—
 Hvad kärt J haden,
 Hvad kärt J hafven,
 Det är ej borta,—men dock ej
 der,—
 Det är hos *Honom* som evigt är!
- "But God is love,—O! then cease to
 moan
 In hope abiding, ye hearts of woe,
 The seed e'erwhile ye on earth have
 strow'n
 In golden harvest shall bloom and
 blow.
 What ye conceal'd
 In the charnel cold,
 What dear ye held,
 And what dear ye hold,
 It is not lost,—though not there it
 be,—
 But with *Him* who *liveth* eternally.
- "I *Honom* lefver allt lif, och röres
 All kraft, och tänder sig klart
 allt ljus.
 Hans kärlek famnar och det som
 fores
 Till andra boningar af Hans hus.
 Se genom dimman,
 Du barnasinne!
 När äfven timman
 För dig är inne,
 Sa kallar Fadren. Emellertid
 Med trohet verka och taligt lid.
- "In *Him* doth live all life,—all power
 Doth move,—and kindles in *Him*
 all light.
 His love embraceth e'en what doth
 soar
 To other parts of His mansion
 bright.
 See through the gloom,
 Thou child of grace,
 Thy hour of doom
 Draws on apace,
 So calls the Father. Meanwhile be-
 ware!
 In faith to labour, in patience bear.

- "Dröj, lik Maria, med känslor rena,
 Vid Jesu fötter, och hör och bed!
 Se upp till korset, som Magdalena,
 Der naden blickar till angren ned!
 Johannes! slut dig
 Till Vännens hjerta!
 Han tager ut dig
 Ur tvang och smärta
 Till helig frihet och salig fröjd
 Uti sitt himmelska rikes höjd."
- "Wait, like Mary, with feelings clean
 At Jesus' feet, and there pray intent,
 Look up to the cross, like Magdalene,
 Whence grace looks down on the penitent.
 John, draw thee warm
 To thy lov'd One's heart,
 He gives thee balm
 For thy sorrow's smart,
 And holy freedom and blessed love
 And joy in His heavenly realm above."

The poem appropriately concludes with the crown to which death is but the approach, and the hope of which is the christian's consolation under every trial.

- "Väl dem, som redligt del ädla velat,
 Det rätta sökt och det milda tänkt!
 Dem varder mycket ock efter-skänkt.
 De här ej blefvo
 Allt hvad de skulle;
 Men englar skrefvo
 Sa kärleksfulla,
 Hvad genom dem uti minsta man,
 Den verlden gläddt, som de kommo fran.
- "Bless'd they who the paths of honour keep,
 Who have mercy sought and for justice striven,
 They much have lov'd, and though sinning deep,
 Yet much unto them shall be forgiven.
 Though here they ne'er
 Reach'd virtue's full,
 'Twas angels' care
 To inchronicle
 Their every deed of mercy kind,
 To bless the world they have left behind.

- "De hafva hallit sig vid det ena,
 Att frukta Herren, och intet mer;
 De hafva tvagit sin kläder rena
 Uti det blodet som oskuld ger.
 All strid är lyktad,
 All synd förlaten,
 Och oron flyktad
 Och stillad graten,—
 Den stora Fadren vet deras namn :—
 Och trötta sjunka de i Hans famn.
- "Their one concern it hath ever been
 To fear the Lord and fear nought besides,
 And they have washed their garments clean
 In the blood that innocency provides.
 Their strife is o'er,
 And their sins pass'd by,
 Their toil no more
 And their tears are dry.
 The Father knoweth them, and to rest
 They sink all weary upon His breast.

"Sa fridfullt de uti Herran somna, " They sleep in the Lord so peacefully
 Sa fröjdfullt helsa de Herrans The day of the Lord so joyous wait;
 dag:

De ur bedröfvelse äro komna From tribulation they now are free,
 Och undan ödenas alla slag. And free from every stroke of fate.

Ej mera fangna No longer fast
 I jordebanden In their bonds below;

De äro gangna, They now have past
 Sa talar Anden, From the thrall of woe,

Ur mödans trældom till fridens hem, To peace's home, hath the Spirit said,
 Och deras gerningar folja dem! And of their works are they followed.

"De äro gangna! De gingo tida "They are gone, and they went right
 Till rätta hemmet i Fadrens hus. speedily,

De skola bo i den staden vida, In the Father's mansion their places
 Der sol och mane ei skifta ljus: have ta'en.

Ty klara solen In that city broad shall their dwelling
 Ar Han som rader be,

Fran hoga stolen, Where sun ne'er setteth nor moon
 Och ser i nader doth wane.

Till allt som rum i den staden fick— For a shining sun
 Och lif och salighet är hans blick! Is he who reigns,

From lofty throne
 As in grace he deigns

On all in that city to look around,—
 And life and joy in his look are found.

"Och rum for alla som tro och hoppas. "For all who hope and in faith believe
 Shall room be found in heaven on
 high.

For alla rum uti himlen är! As when their blossoms the fig trees
 Och som, när fikonsträdets knoppas, give,
 I veten sommaren vara när;

Alltsa J kannen Ye know that summer approaches
 Da dagen svalkas, nigh;

Hur Himlavännen Thus when life's even
 Till eder nalkas, Is chill and drear,

Och för till rummet, som Han Ye know from heaven
 beredt, Your friend draws near,

Der J med honom förblifven Ett. To lead to the mansions he hath
 array'd,

Where one with Him ye are ever made.

"Da dagen svalkas och skuggan "When evening cools, and the shadows
 breder fling

Kring edra dalar och berg sitt Their veil o'er hill and o'er dale and
 flor, plain,

Sa kommer Han och förlossar Then cometh He to your rescuing
 eder, Whose might and whose love no
 bounds contain.

Hans makt är sasom Hans kärlek stor.

- De ögon trötta,
En stund de somna,—
De verktyg nötta,
En stund de domna.—
En annan stund till ett annat lopp
J edra hufvuden lyften opp!
- The eye-lids lorn
Are awhile sleep-press'd,—
The work-tools worn
Are awhile at rest.—
And yet awhile, and again ye rear
Your heads aloft for a new career.
- “Och ny är himlen och ny är jor-
den
Och ny är himlens och jordens
son,
Och saknar icke ododlig vorden,
Det tranga hemmet han kom
ifran.
Det är försvunnit,
Det är förvandlat,—
Men Tro som vunnit!
Och Dygd som handlat!
J hafven lotten at er beredd
Af laga sinnen ej hörd och sedd.
- “And new are heaven and earth
array'd,
And new the Son of heaven and
earth,
And missest not, now immortal made,
The narrow home whence he wan-
der'd forth,
It is come to nought,
It is changed and done;—
But Virtue that wrought,
And Faith that won,
Ye gain your lot, that prepared hath
been,
Of senses base neither heard nor seen.
- “Da äro torkade alla tarar,
Da äro helade alla sar.
Ej mer pa trafvar af lik och barar,
Med fackla nedvänd och släckt
jag star
Jag facklan vänder,—
Och i detsamma
Den atertänder
Vid Lifvets flamma,
Och blandar, evig Seraf, min ton
I eder lofsang vid Ljusets thron!”
- “There dried are all affliction's tears,
And heal'd all wounds in that
blessed land;
No more on corpses uppled and biers,
With torch inverted and quench'd I
stand,
The torch I turn,
And that instanttoo
I bid it burn
With life's flame anew,
And blend, O! Seraph, for aye my
tone
In your song of praise at Light's holy
throne.”

The foregoing piece is perhaps rather long to give as a specimen of an author's style, but as this noble writer is, we believe, as yet utterly unknown to the English reader, we have not hesitated to give the piece entire. This author, as well as Tegnér, was quite as great in prose as he was in poetry, but it is only in their capacity as poets that we are considering them here.

We trust we have said enough to show that if in the era of Gustaf III. all Swedish literature was bedi-
zened in vulgar French trappings, that reproach is now
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no longer merited, and that Sweden now possesses a fine and really national school of poetical literature. We hope and believe that this school is not likely to die out, for poetry is well and successfully cultivated in the country, and the number and talent of the young poets now rising into fame are sufficient to justify us in predicting with tolerable certainty, that the brilliant school founded by the great men whose works we have been contemplating, will be worthily continued by their successors. With the expression of this confident hope we take leave of the subject.

ART. III.—*Encyclopædia Britannica*, Vol. IX., Article, "Goldsmith."
By T. B. MACAULAY. Black, Edinburgh.

IT is observable that the true era of fiction in England,—that modern fiction, which takes nature for its model, and morality for its guide,—commenced with the downfall of the drama. "The very causes indeed which overthrew the dynasty of the play-wright, might have established the sovereignty of the novelist. After the close of the reign of King Charles the Second the theatre had sunk into disrepute with a generation that had listened, not without effect, to the wit of Congreve and the morality of Collier. Independently of such considerations, from the nature of the thing, theatrical amusement was necessarily confined in its sphere. The art was a complicated one, and the artificers were few. The theatre was in reach of none but a metropolitan audience, and theatrical machinery of any pretensions demanded metropolitan management. In addition to this, a reading public was springing into existence, more extensive and not less intelligent than the most polished audience at Lincoln's-Inn Fields or the Haymarket. Romance accordingly took its flight from the stage to the boudoir, from the green room to the bookseller's counting-house.

Romance indeed the new literature was not. It had nothing in affinity with that romance which Walpole carica-

tured in his Castle of Otranto, beyond its common obligation to the imagination. It bears the same contrast to romance that the Lilliput of Swift does to the Crusoe of De Foe. Both are fictions, it is true; but one fiction is purely imaginary, and can exist only in the imagination, the other as purely rational and supported by the sobriety of ordinary experience. One fiction is an anti-thetical, the other a synthetical copy of nature.

The productions of De Foe and of Addison in the *Spectator* claim for their authors undoubtedly the merit of being the first pioneers in this particular department. But it is generally allowed to Richardson to have systematically applied fiction to the purposes of morality. Even the significance of Johnson's pregnant phraseology was not too emphatic when he asserted that the age was indebted to the author of *Pamela* and *Clarissa* for an enlarged knowledge of human nature, and for an illustration of the passions being taught to move at the command of virtue.

Nor were the founders of this fictitious narrative unequalled to shine in it. It required plainly a writer deep in metaphysical observation and skilful in metaphysical delineation—an artist who should be able to sketch, not a tolerable figure, but a portrait faithful in all its minutiae to the original of which it pretended to be a copy. Such an artist could not have been formed in the studio or the academy. Personal experience and constant contact with his fellowmen could alone prompt his chisel and guide his pencil. Such an education had the moralists. The works of De Foe, of Richardson, of Fielding, of Smollet, of Sterne, and of Goldsmith, were not the fruits of a fancy rich and at leisure. There was but little of the sentimentality of the drawing-room in them. Their authors had lived and acted the lives of their heroes. They were no carpet knights. They had been on the world from their youth upwards. Most, if not all, of them, had been born in a sphere beneath that to which society has agreed to attribute respectability, and they had fought their way by their own exertions to independence or a reputation. Of De Foe it is hardly necessary to speak. Such characters as Singleton, Roxana and Moll Flanders might easily have been drawn from the experience of the man whose existence covered the interval between the Restoration and the accession of the House of Brunswick, who in his

youth might have seen the bones of Cromwell still bleaching over the gate of Newgate, Oates revelling in his thirteen hundred pounds a year and rooms at Whitehall, Russell and Sidney on the scaffold, and Monmouth between Turner and Ken on Tower Hill, and whose manhood was as familiar with the meeting-houses of Edinburgh and the cock-lofts of the Hague as it was with the Pillory and the Old Bailey.

Richardson's father had been a joiner in Derbyshire, and young Richardson himself had been a simple apprentice to a printer. We may be quite convinced that the intercourse with life which the pursuit of a popular trade entailed was not thrown away on the author of *Pamela* and *Clarissa*, and that we are as much indebted to the hours spent at the desk of Mr. John Wilde, of Stationers' Hall, as to the stolen moments of midnight study by the flickering taper which the savings of a week had bought. Nor was the early propensity of the school-boy to fiction, the old habit of story-telling and romance reading likely to do otherwise than sharpen the wit and the observation of the man whose childish precocity his playmates had long ago recorded by the names of Gravity and Serious.

The familiarity which Fielding attained with human nature was acquired by a process the very reverse of Richardson. He had fallen from a life of honourable independence to which his birth entitled him, to a life of ruin and debauchery. But the imprudence which had made him as notorious as Steele had been the source of a reputation to which Steele's must give place. His extravagance at Stowe, his house and equipage, the livery-men with their bright yellow liveries, the stud and kennel, the splendours of his table sufficiently attest the improvidence of the master. But had it not been for this improvidence, to whom must the student of English literature look for such delineations of English character as Squire Western and Black George? Even Sir Roger de Coverly would hardly have compensated for the loss. Lady Mary Wortley Montague sneers at his occupation of "*Trading Justice of the Peace for Westminster and Middlesex*,"—the highest ends of his preferment to rake in the lowest seats of vice and misery. It is true that the office was not a very reputable one, that the functionaries who held it wrung a precarious existence out of thieves and pick-pockets, and that "*the dirtiest wages upon earth*," as poor Fielding himself

called it, reduced him to the necessity of finding companionship in a poor blind brother and three wild Irishmen, and of being content with a dinner off a leg of cold mutton, a bone of ham, all in one dish, and the dish on a greasy cloth; yet notwithstanding these plebeian disqualifications it is very problematical whether the aristocratic accomplishments of even Lady M. W. Montague could have given us Tom Jones, Jonathan Wild, or Amelia. Who but Smollet, the ex-mate of a ship, could have imagined Oakum and Whiffe, Trunnion and Pipes, Hatchway, and Jack Ratlin.

We do not know much of Sterne's life. But the little knowledge that we do possess is quite enough to convince us that the experience of that life had no small influence on the character of his works; that the inimitable adventures of Yorick, Uncle Toby, and Corporal Trim were but a stereotyped picture of Sterne's own existence in the barracks of Carrickfergus and the Isle of Wight; and that the tour through France in company with le Fleur prompted the exquisite sketches, unsurpassed by the master hands of Cervantes and Le Sage, of the Monk of Calais, and the dead ass of Nampont.

His acquaintance with the garrets of Grub-street, the dens of St. Martin, and the haunts of Lincoln Fields, taught Johnson how to write his London.

Of all the writers of that age, the author of the Traveller underwent perhaps the severest apprenticeship for the profession of the novelist. The adventures of his life are unequalled by the ingenious creations of romance, and are indeed so romantic that biographer after biographer has questioned in part their reality.

Those who inherit toothpicks or tobacco-holders cut from the hawthorn-bush of Lissoy, or who believe with Sir Walter Scott that Lissoy was the prototype of the Deserted Village, will readily identify the features of his birth-place, the habits of his family and their modest circumstances as they have been stereotyped for us in the inimitable portraiture of their poetic historian. Sweet Auburn, loveliest village of the plain, with its never-failing brook, its church that topped the neighbouring hill, its rustic ale-house, with all the accessories of its parlour-splendour, the white-washed wall, and nicely sanded floor, the varnished clock that ticked behind the door, the pictures and ornaments, the twelve good rules and royal

game of goose are familiar to all who know anything of the poet's writings.

His career from his childhood was erratic. He had been entrusted to learn his horn-book to the care of a village pedagogue, whose boast it was to have served as Quarter-Master in her Majesty's service, and whose only pretension as an instructor was a taste for enlivening the tameness of Virgil with stories of Castilian gallantry easily swallowed by imaginations already too familiar with such works as Jack the Smuggler, Fair Rosamond, Freny the Robber, and other popular biographies of Hibernian Knight errantry.

From Dr. Byrne's establishment a philanthropic uncle had posted him to a seminary at Edgeworth's town, where his companions were chiefly strolling players, the relics of a tuneful race, and from whence he was entered as a sizar in Dublin University, where he puzzled over Burgerdicius and Singlesius under a tutor noted through the town as a bully of enormous strength and corresponding brutality, and one day destined to be murdered in his own house by the girl he had himself seduced.

Such a course of education was not likely to fit him for the sobrieties of a profession. Accordingly we find him expressing his readiness to be a priest in Britain or a bonze in China, and only owing his escape from the sacred restraint of ordination to the colour of his breeches, and eventually ridding himself of the patronage of an uncle who would have committed the same mistake in making him a lawyer that Hume's relations were guilty of in proposing him for the merchant's counting-house, by taking a lodging in a close in Edinburgh under the pretence of visiting the hospitals, and finally by wandering up and down Italy and the Continent, like his philosophic vagabond George Primrose, under the pretence of studying medicine under the great Albinus at Leyden.

His disputations in the various schools, and his wanderings by the Po, if they did nothing else, supplied him with matter for his Traveller, and no small portion, and by far the most interesting portion, of his Natural History.

Not that his prospects seemed much brighter at home than abroad. He arrived in London at the close of an anxious period for a man of letters. It was the intermediate era between the age of aristocratic patronage and the age of popular patronage, between prescription and the

press, between Grub-street and Printing-House Square. Private patronage, that feudal patronage which had sheltered Chaucer and Gower in the halls of Princes, had long since dwindled down into the pittance which Dryden had received at the hand of Sir Gilbert Pickering, and Swift—the last of the domesticated retainers—at the hands of Sir William Temple. That miserable system, so rife since the Restoration, which had made the poor hireling author as familiar at the Court of Charles as the White Friars bull-dog had been at the Court of James, which had created such toads as the Settles and Crownes, and given rise to such episodes as the Rose Alley Ambuscade, had received its death blow at the moment that Johnson indignant left the chamber of Chesterfield for the counting-house of Osborne.

The rise of popular factions, the development of parliamentary privileges, had introduced a new kind of hack by introducing a new kind of political writing as distinct from the polemical writings of Dryden's time as the Dissensions at Athens, and the True-born Englishman were distinct from the Hind and Panther, and the Absalom and Achitophel. Such was the pamphleteer. In his person were fused the duties now performed by the rhetoric of debate, and by the newspaper. It was his business to persuade by argument or intimidate by ridicule. By this union of the powers that belong to the satire, and the powers that belong to the treatise in his single province, he wielded a weapon whose influence could never have been suspected by Mapes, Langton, or Skelton, from whose lampoons and pasquins it differed as completely as from the State Poems of the Restoration—or from the libels and squibs of Bub Dodington, Sir Hanbury Williams, and Peter Pinder.

It does not seem that the subsistence of the author had been rendered less precarious by the development of this new office. Literature had only changed patrons, nor had the exchange released it from the arbitrary hands of power. The same vicissitudes attended its profession when Goldsmith made his debut, as when Butler lay starving, and Ottway lay choking. During the reign of Harley and St. John, for instance, it had been sedulously nursed by the bounty of political patronage. But a new dynasty was in power just now. There is a striking passage in the Enquiry which shows that Goldsmith fully appreciated the

revolution. "When the link between patronage and learning was entire, then all who deserved fame were in a capacity for attaining to it; when the great Somers was at the helm, patronage was favourable among our nobility. The middle ranks of mankind who generally imitate the great, then followed their example, and applauded if not from feeling at least from fashion. I have heard an old poet of that glorious age, Young, say, that a dinner with his Lordship has procured him an invitation for a whole week following, and that an airing in his patron's chariot had supplied him with a citizen's coach on every occasion after. But the link now seems entirely broken." Walpole had set the fashion of valuing a jockey, or a player above a wit. He had discovered a shorter way of convincing his enemies and conciliating his friends, than by a slow and uncertain appeal to their imagination. Men's votes in their pockets, not in their heads, was his new doctrine. The day when, to quote Swift's own language, so often quoted before, he saw Oxford pass through a swarm of titled clients with his wand of office in hand to greet Parnell, the day when Swift himself could boast of overthrowing the regularity of a minister's household, and dictating the guests at a minister's table, was gone by. And as yet no substitute had appeared in the place of the ministerial patron. There were indeed still a few understrappers of literature, slaves of the backstairs, wretches who span out a life of splendid bondage to die the death of felons,—hirelings, prostituting their talents for gold, and left to perish heart-broken, of starvation, raving mad, in gaols, in foreign lands, without a friendly hand to close their eyes, without even the last repose of a grave. But with the Guthries, the Hornes, the Oldmixons, the Arnalls, the Amhersts, and the Drakes, Goldsmith would make no alliance. If he was to be a slave, the bookseller, not the minister, should be his patron. The bondage of the Griffiths was better than the bondage of the Walpoles. Accordingly, it was not long before his struggles commenced. One of his first efforts for subsistence was to take a tutorship in a school, of which Dotheboy Hall might be a fair model. Even indigence could not abide contempt, and he quitted his situation in penury and disgust to wander about town one of the most pitiful of God's creatures, a poor man of genius, with the keenest appreciation of want, and the keenest sensibility to insult, and without the power

of avoiding either,—the hack of a bookseller, living in a garret which he could not pay for, and writing all night long for a printer, whose books he had pawned and who threatened him with arrest, on subjects about which he knew little and cared less.

Not that we would make Goldsmith the object of indiscriminate commiseration. Towards those writers who were earning their bread while Goldsmith was dangling in his nurse's arms at Lissoy, such a commiseration might be justifiable. There was a great difference in the condition of the first generation of writers of the Johnsonian age and the second. There was indeed a difference in the aspect of the time when Johnson, just fresh from college, frolicked about the streets at midnight with Savage, wringing off knockers, and knocking down watchmen, and the time when in receipt of a pension from Bute, he had long ago set the stamp of infamy on the unwomanly brow of Savage's mother. The real truth is, the men of letters were, for the most part, the unconscious source of their own misfortunes. Their lives were the lives of highwaymen. They were continually demanding the generosity of society, and continually in want. They appeared to think, that literary reputation and moral reputation, were incompatible objects; that the man who wrote for the instruction or amusement of the refined, was bound in honour to contradict his sentiments by his practice, in fine, that success depended on the number of toasts at the tavern, and the number of brawls at Ranelagh. Competency never yet followed in the train of dissoluteness, and that the penalty of literature was not unmitigated poverty or a bad fame, the examples of Pope and Johnson are sufficient to prove. That Goldsmith's early lot in London was a hard one, has been already explained. But the change for the better had set in long, very long, before he died. That he might have been respectable, and even comparatively rich, we have his own words for believing. His expression was that he could have earned any time four pounds a day. In the *Bee* he writes, "men who can be prudently content to catch the public ear are certain of living without dependance. More, Savage, and Amherst felt all the miseries that usually attend the ingenious and imprudent, that attend men of strong passions and no phlegmatic reserve." A man who had the sense to make these remarks and not to act upon them deserved

to share their fate. He reminds us of the prisoner of the Fleet descanting on the danger of French invasion to the liberty of an Englishman, through the bars of his cell to the Turnkey. He says, "Young writers generally encounter every hardship attending aspiring indigence. The old enjoy the more vulgar and prudent satisfaction of putting riches in competition with fame." It was Goldsmith's own fault accordingly that he never grew old. This accounts at once for the anomaly of his poverty by the side of Johnson's independence. Without pretending to Lord Falkland's penetration, who argued that because Lord Falkland and Sidney Godolphin were small men, diminutiveness was a sign of genius in his time, it may be safely said that looseness was as much the mark of a wit in Goldsmith's time, as a beard was of a philosopher in Lucian's. The bookseller's hack was peculiarly open to the charge of reckless extravagance. To be able to accomplish his task in time for the printer's devil was all the jobber's concern. To men who, like Goldsmith, possessed the happy knack of Bayle of reading with his ten fingers, a few days seclusion was all that was required. A strong paroxysm of idleness and extravagance succeeded to the paroxysm of study and application. Nights of champagne and whist compensated for the mouldy crust, the fireless grate of the garret. A short time and the wages of intellectual labour had gone to enrich the coffers of the bagnio, or the pockets of the sharper, and the poor distracted hireling had once more returned to his den to earn another pittance destined to be lavished in another fit of guilt and recklessness.

It was the peculiar conformation of his character that paralysed Goldsmith's progress in the world. Few men had exhibited so strongly the extremes of great speculative wisdom with great practical imprudence. In some respects he partook strongly of some of the morbid symptoms that characterised Boswell. Phrenologically speaking, he was a genius, and psychologically, he was very little above an idiot. He had all the intellectual qualifications for composing a wit, and all the moral disqualifications for making a simpleton. We can scarcely comprehend such a schism between genius and character. Every noodle of a waiter that handed him his punch at the club, thought himself authorised to laugh at his stupid good nature, yet this "inspired idiot" has left his mark

on the forehead of such men as Burke and Johnson. Any child could shake his faith in his knowledge of history, yet he has thrown over history the tender graces of a touch that might have roused the emulation of Blackstone or Littleton. There was no one who had a more slovenly appreciation of the exactitudes of science, yet he wrote a book on a subject demanding scientific research, which is still read by a generation in possession of Buffon and Cuvier. Nor was the anomaly confined to his intellectual structure. His fate as his death exhibited some strange inconsistencies. The scars of disease had during life left his features loathsome, yet handsome women crowded round his coffin to get a lock of his hair. He could not rest on his death-bed for the thoughts of the creditor and bailiff that every artifice of extravagance had brought on him, yet Johnson who would not sit at table with Fielding, pronounced him a great man and wrote his epitaph. Walpole called him an *ethologus*, a mere *Trinculo*, yet the tidings of his decease could draw the tear of regret from the eye of Burke, and arrest the pencil of Reynolds.

It is a recognized fact in moral philosophy, that virtue in excess becomes a vice. Nature had given him good nature, and an easy disposition, and Oliver Goldsmith had reduced them to apathy. Half his troubles through life took their rise in his thoughtlessness developing itself in various ways, in his generosity, his extravagance and vanity. In Dublin he was known to have slept all night inside a feather-bed, which he had ripped open as a substitute for the blankets he had bestowed on a poor street-singer and her naked children; and in London, in the midst of his difficulties, he would unhesitatingly give the last penny to any adventurer who was at the pains to stimulate his bounty by the shallowest tale of distress.

Such inconsiderateness is confessedly venial. But the want of calculation, which made him yield to the impulses of a generous temper, ceased to be pardonable when it betrayed itself in the gratification of personal caprice. No one can overlook that thoughtlessness which allowed him to waste his earnings at the whist-table, at a time when he had but a single chair in his room, when he had determined on the necessity of giving up hot suppers, and sugar in his tea, and when he actually contemplated an expedition to the factories of the Coromandel coast. It is difficult to understand such recklessness, to realize to our-

selves a man so simple that he should be compelled by want to stop up his grate with brick-bats, to go without coal, and be in debt to his milkman, and who nevertheless should be required to be warned by a schoolmistress, to whose husband he had been apprenticed, to give some one his "wages to take care of, as the young gentlemen's were."

It was not his extravagance only. A feeling of vanity, curiously irreconcilable with his easy disposition, and arising in the caprices of a sensitive, and the recklessness of an excitable mind, completed his ruin, and led him into some strange inconsistencies. Sometimes he would consent, without the slightest sensibility to that feeling, which Churchill said, was as when a man cut away a piece from his own flesh, to blot out half a tragedy to please a bad critic, or to believe that Alexander was contemporary with Montezuma to please a quizzing friend; at other times he would choke with grief, stamp, and swear eternal silence, because a second-rate play had not brought him a fortune. Sometimes his vanity would take the form of personal, and not literary pique, and he would keep company with none but Beauclerc, Burke, and such like, though twenty-four hours had not elapsed since he had been roistering it at the Globe Tavern, or at the Wednesday Club, where a pig-butcher might call him "Noll, old boy!" and pat him on the back. A man afflicted with elephantiasis who should be nice in the choice of his boots, hardly presents a more ridiculous appearance than Goldsmith in these fits of fastidiousness. It was a spasmodic pride that seized him suddenly, and left him suddenly. Under its influence, and during possession, he would make any sacrifice rather than consent to the superiority of a rival, jump into a pool at Versailles at the risk of his gentility, or into a ditch at Lord Harrington's, at the risk of a bran new silk coat, and an unpaid for pair of magnificent ruffles.

Sometimes his spirit of emulation took the appearance of literary envy. Boswell, who, like most idolators, would have every one bow down and worship the idol he had set up, has recorded with the jealousy of a devotee any ineffectual hostility to the shrine of Johnson. The domineering manner of Johnson was proverbial wherever the moralist circulated. The irritability of his temper, the indulgence of a feeling of personal superiority, or it may be the exhi-

bition of a brusque independence, flattered by the common consent of society, was felt and resented repeatedly. To the capricious mind of Goldsmith, who was rising as Johnson had risen, to an eminence which did not belong to him originally, and of which he might naturally be jealous, the airs of a rival were peculiarly galling. The author of *Rasselas*, it is true, was at least twenty years the senior of the author of the *Vicar of Wakefield*. But the latter, forced at times from one extreme to the other, from the helplessness of an infant to the arrogance of a full-fledged wit, could make no allowance for the consequence which age always assumes, and is always entitled to assume. In spite of his good nature, colloquial emulation, in the form of a fidgetty precipitancy, would get the better of him sometimes. On such occasions he would fly out of the room in a passion, because some one had made an invidious distinction to his face between Johnson and himself, or interrupt Johnson in the midst of a dialogue, because every one listened to Johnson, and no one would listen to him.

It would have supplied his biographers with fewer blunders to record, had he indeed maintained a discreet silence in certain company. His simplicity and frankness—for he was only considered envious, as Johnson magnanimously acknowledged, because he chose to be considered candid,—frequently exposed him to raillery. Every one who has read his biographies, by Mr. Prior, or Mr. Forster, has laughed over and over again at the scene connected with a joke uttered at the dinner-table of Sir Joshua Reynolds, about sending discoloured peas to Hammer-smith, as the way to Turn'em green, and which poor blundering Goldsmith tried in vain to reproduce on a subsequent occasion.

But it was not always so. He had been known to say some sharp things, and to say them in a sharp manner. Even Johnson, who regarded him as he regarded Garrick and others, as his own property, was repaid in his own coin. The best characteristic of one of the moralist's most palpable literary failings, his incapacity "to make the little fishes talk, except like whales," and the best estimate of his good heart and rough manner as "having nothing of the bear about him but his skin," are due to Goldsmith's penetration. Simple as he was, he had condensed not a little of the venom of the *Dunciad*, in his poem of the

Retaliation. It is in his intercourse with Goldsmith that Johnson's amiabilities display themselves to most advantage. His affection for him is that of a father towards his prodigal son. He uses every artifice to cure him of his eccentricities. He rebukes his extravagance by refusing to taste his dinner, and he compliments the poverty of his rooms and his attire by some such graceful remark as *Nil tu quæsieris extra*. He keeps his mishaps profoundly secret, and grieves to see them voluntarily exposed. He revises his poems, sells his manuscripts for cash, sits in the front box to laugh—as only he could laugh—his comedy into success, and when his purse is empty—and Goldsmith could bear any disease better than the *maladie de poche*—replenishes it from his own.

There is no doubt that the author of the Traveller was deficient in conversation, that the standard of his colloquial excellence was now and then below par. But it was not so much a deficiency in quantity as in quality. The idea from Garrick's famous sarcasm, that he talked like poor poll, is, that he prattled too much, and heedlessly. Mandeville said of Addison, that he was a silent parson in a tie-wig; Dryden said of himself that his conversation was slow, and his humour saturnine and reserved. It would be a mistake to class Goldsmith with these specimens of taciturnity. His garrulity, to judge from the ordinary accounts, was immense. Pope's character of Gay fitted him admirably. "He was a natural man without design, who spoke what he thought, and just as he thought it." The coin, though plentiful, was false. It is not to be wondered at, perhaps, that he failed in contrast with Johnson. Johnson loved to start a paradox with the dogmatism of Warburton, and to defend it with the petulance of Dennis. Johnson indeed did not converse. He dictated. Circumstances and his own fearless spirit had placed him on the pinnacle of the literary world. Accordingly, he acted as though he wished to make the republic of letters a monarchy, and himself the monarch. What Collier said of Henry VIII., in his controversy with Luther, may be applied to him. He leans too much upon his character, argues in his garter robes, and writes as it were with his sceptre. It has been suggested by Disraeli that Goldsmith might without any perversion of intellect have sometimes instituted a favourable contrast between himself and Johnson. This, however, can hardly be predi-

eated of him. He was the last man in the world to be guilty of any serious jealousy in that direction. However momentary pique might have sometimes aroused his emulation, in reality he cared little for his literary reputation. He was—what Congreve and Gay, with fantastic foppery, pretended to be totally indifferent to the title of—a man of letters. He wrote in order that he might live, and at last he regarded literature too much as a trade to be vain of it.

But after all neither the excellencies nor the deficiencies of conversational attainments will ever be the criterion by which a discriminating judge would be disposed to decide on the literary merits of the humblest or the greatest in the walks of literature. No one would deny the claim of Addison, for instance, because he could not open his lips in company, or exaggerate the claims of Johnson because he talked to his sovereign in the gallery of Whitehall, just as he talked in the drawing-room of Streatham Park, or in the back parlour of Fleet-street. The accomplishments of the drawing-room are the accomplishments of any man who has the nerve to converse with briskness, and to listen with complacency. They are the accomplishments of manner, not of intellect, the superfluous ornaments, not the main-stay of the structure. We are fascinated with the address of a Chesterfield, but we do not blame a writer because, to the reputation of a great essayist, or novelist, he does not add the reputation of a great beau, any more than we combine in a necessary union the statesman with the historian, or the orator with the disciplinarian. We would not deny that Walpole should be classed in the ranks of British statesmen, because he did not know who Empsom and Dudley were, or Pitt in the ranks of British orators, because he was ignorant or heedless of the rules which preserve the etiquette of the British House of Commons.

To return to Goldsmith. No man's literary talents come more within the scope of the critic than his. His writings partake strongly of his character. Candid simplicity, unaffected plainness, are symptomatic of both. His style and his sentiments appear as free from elaboration as his demeanour. Everything he said or did was literally and truly above-board. He aimed at no fictitious attractiveness, and the attractions which draw us to him as by a natural impulse, we recognize to be without guile

and without design. His artlessness is well displayed in the undisturbed naiveté with which he repudiates a charge of inculcating absolute doctrines in his *History of England*. "God knows I have no thought for or against liberty in my head, my whole aim being to make a book of a decent size, and as Richard says, would do harm to nobody!" This is Goldsmith all over. This is the result of his good-natured thoughtlessness in morbid activity, which had so frequently disturbed the functions of his moral organism. Throughout his life there is visible the same deficiency of amour-propre, the same want of a fixed principle and self-will. A man with so little tone in his opinions may be expected to have the style of his writings stamped with a corresponding imbecility. But this is not the case. We should, it is true, even in his most dogmatic moments, look in vain for the dogmatism of Johnson. There is always a deference in his boldness, a gentleness in his severity, a lisp in his most masculine accents. Beyond this there is no hesitation or want of emphasis in the expression of his moral sentiments. Nor would he, who should form his estimate of the demeanour of the man from the sober gravity of the author, be more right in his conclusions than the lady who drew from Thompson's works the mistaken inference that he was an abstemious man and a good swimmer.

The simplicity of Goldsmith's pen Johnson predicted would make the *Natural History* read like a Persian tale. It is to his credit that he did not imitate Johnson's mannerisms; that he did not follow the footsteps of those who, as Dennis said of the manager who pilfered his thunder, and rejected his play, were successful in taking the sound only. So far from imitating him there are scattered remarks about his writings which look very like pointed rebukes to that inflated style that was then coming into fashion, the loaded epithet, and trifles dressed up with dignity. They are the originals of what he elsewhere translated when he said that Johnson was always hunting after lofty expressions to deliver mean ideas, always gaping when he only meant to deliver a whisper. And his originality is more creditable when it is remembered that it was an age of imitation, in which Sterne and Fielding had their followers, and when swarms of poetasters were copying the slovenly verse of Churchhill, and the compact verse of Pope. Had Johnson had the *Natural*

History to write, there is no doubt he would have made it a work of philosophy. Even Buffon could not refrain from making the Dove an apology for inserting his theory of love, and the article Hare an opportunity for a dissertation on the dispersion of nations. Johnson was in fact an admirable æsthetic critic, a genuine moralist. He viewed everything through an ethical lens. His turn of mind eminently adapted him for an essayist.

Here he is in his element. When he leaves it he is in an atmosphere that does not belong to him. He flounders about in gigantic imbecility. His *Irene* is a good specimen of his awkwardness. But his *Rasselas* is a better. Of plot there is none. But if Dryden was ridiculed for making his Hind and Panther talk like parsons, Johnson is in no degree excusable for making a young eastern novice talk like a philosopher. It was the old Aristophanean proverb, over again, of the ass carrying the mysteries. A romance it does not intend to be. It is not blamed for an absence of dramatic effect, but for an absence of consistency. All the little fishes are whales. There is logic where there should have been rhetoric, and rhetoric where there should have been feeling. Wit usurps the place of imagination, and reflection of sentiment. We look in vain for the expression of a single emotion, the revelation of a single sensation, and would gladly surrender all the elevated felicities of language; all the artistic sensibility for one loose touch of an honest heart. Whether or not, Rochefoucault's maxim is a true one, that it displays great poverty of mind to have only one kind of genius, there is certainly no lesson more instructive than the examples of genius misdirected. Given such a catastrophe and we have a right reverend theologian correcting English plays, and a Greek professor editing English epics, a Warburton editing Shakespeare, and a Bentley editing Milton.

In comparing Goldsmith with his fellow-novelists, his unreserved and unsophisticated simplicity strikes us at once. His *Vicar of Wakefield* ranks among those works which contain on every page the stamp of their author's character, and which owe their existence to the development of certain strong idiosyncracies in the composition of the temperaments of those who composed them. It would be mentioned on this principle along with those creations which bear not indeed the mere impress of locality as

the Koran, the Divine Comedy, and Don Quixote, but the impress of individuality, with the Pilgrim's Progress of Bunyan, the Biography of Boswell, the Tristram Shandy of Sterne, or the Cain of Byron. Goldsmith has been accused by Cumberland of want of grandeur of design. Of all curses in criticism this is the most absurd and provoking. We have only to witness it if it were adopted for an instant into literary legislation to be convinced of its injustice. To all operations of the intellect, to poetry, to painting, to sculpture, to architecture, to all the arts, its effects would extend. If want of grandeur of design is equivalent to modesty of subject, if it is meant that Goldsmith gave us life such as he found it in the cottage, not reclining in the boudoir or the saloon, then the charge is well-founded. There is nothing but the simplest language, conveying the simplest moral, evolved by the simplest agency. If we look for grandiloquence or sublimity, vastness of bulk, or vastness of machinery, we shall find ourselves disappointed. The appeal is made not so much to our imagination as to our moral sense. There is no display of a morbid taste for intellectual or physical phenomena. The portraits of his characters are rather half-drawings, outlines portraying little, but full of significance. There is none of the elaborate minuteness of colouring of Richardson. His strokes are not so microscopically exact. There is an air of unobtrusiveness about the whole subject, both in its treatment and in its details. Olivia is not so dramatic in her guilt as Clarissa is in her innocence. Sophia is a simple rector's maid, without the intrusive amiability of Miss Byron, homely, virtuous, and heroically good. The male characters of the two authors stand the same test. Grandison and Burchill are both estimable gentlemen. Lovelace, Sinclair, and Thornhill are all exquisite villains. But there is no display in Burchill's honour as in Grandison, no bombast in Thornhill's duplicity as in Lovelace or Sinclair. To compare either Goldsmith or Richardson with Smollet or Fielding, would be out of place. Johnson has well distinguished between the two schools of authors, when he said there was as great a difference between them as between a man who knows how a watch is made and a man who can tell the hour by looking at the dial-plate.

It is on his Vicar of Wakefield that Goldsmith's fame as a writer of fiction must rest. Like the Robinson

Crusoe of De Foe, it has survived all those other productions on which he himself was disposed to set most value. His histories are still read indeed not so much for the information they convey, as for the sake of the language in which that information is contained. It is not the least characteristic of their author's mind, that that division of his historical labour which is due to the reason should be worthless in comparison with that division which is due to the operation of the imagination; that the setting should out-value the jewel, that the amber should enclose nothing more significant than a fly. His *Citizen of the World*, decidedly the best caricature of national defects since the sarcasms of Captain Samuel Gulliver, is not so popularly read as it deserves, and his *Enquiry into the State of Learning* only disappoints us when we recollect what treatment such a theme would have received had Johnson been permitted to execute a scheme not very dissimilar in its plan. As far as personal experience goes, he certainly was as much authorized to write it as *Æneas* was to tell the tale of Troy. The best part, indeed, is the part which he ought to have written best, the part that relates to the demeanour of the inferior grade of men of letters in England at his day. His familiarity with the haunts and habits of all that beggarly crew in lace or rags, from Kent Street to the Mall, from the Strand to St. Giles, admirably qualified him to write about what he calls the victims of the Bookseller—the Ned Purdons, the Sales and Mores. His familiarity in one particular has completely warped his judgment. He takes a decidedly too low view of the character of the author. His own associations were so habitually demoralized, his tastes so vitiated that, like the effects of brandy on the dram-drinker, they corrupted his sense of discrimination. He describes the destiny of an author in terms that might have been consistent with the days of Butler and Otway, and wittingly or unwittingly, concludes by giving him qualifications that would have been repudiated with indignation by the poorest hack that ever snuffed his candle between finger and thumb. According to him, he is, in the eyes of society, a creature only adapted to make a pliant bow, to have an immoderate friendship for a good table, and to be laughed at by an Alderman. And this ill-deserved stigma he casts on the discrimination of that society that knew how to appreciate soberness and temperance in Johnson. In his

Citizen of the World he adopts a different tone, says a writer of real merit might easily be rich, and consequently that the ridicule of living in a garret might have been wit in the last age, but is so no longer because it is no longer true. There is one error pervading his whole argument relative to the decline of polite literature, as he despondingly terms it, rather amusing to the contemporaries of the Quarterlies of the nineteenth century. On the principle of *Maximæ leges, corrupta civitas*, he maintains the increase of criticism to be a fatal portent of decay, and exclaims on the existence of two Reviews in London alone. The fact being he mistook the symptoms of the disease for the disease, his assertion that there was scarcely an error which criticism did not either excuse or promote, only testifying that the decay existed not so much in the general taste as in criticism itself. Not long after by way of involuntarily illustrating this decay, we find him returning to the old theory which Dryden had given up after tagging Milton's verse with Rhyme, that blank verse is one of the disagreeable instances of pedantry prevailing. A poor process to adopt, it must be owned, of reforming criticism by such an abortion of it, and rather suggestive of the conduct of the Russian, who courts his mistress by going to sleep in her lap. His review of the State of Literature on the Continent, is by far the least satisfactory part of his performance. For Italy he mentions Metastasio and Maffei, and writes a good deal about the triflings of the Virtuosi and Filosophi, and in Germany he passes over the author of the Christiad, and can hear little more than the Nego, Probo, Distinguo, of the Cartesians and Aristotelians. It is only at the last, by way of parenthesis, he recollects Goldoni and Muratori, Haller and Klopstock. He does not so much as mention the names of Beccaria, Kant, or Schiller, just then rising to fame, and yet he pragmatically decides on the low state of letters in those countries. It would be, just as if a Frenchman of that date, La Harpe for instance, in taking a view of polite learning in Europe, should decalaim at the degradation letters had fallen into in England in the hands of Crowne, Rochester, Tate and Shadwell, without making any reference to the writers of Queen Anne. A good deal of this superficiality of treatment in Goldsmith is doubtless attributable to the haste with which he was compelled to shake off his compositions for

the Press, and to those miserable exigencies of the hack's existence, which extracted from him the feat of writing a History of Greece in five weeks, and from Smollet the still more incredible achievement of throwing off a voluminous history of thirteen centuries in as many months. To the same cause may be assigned another characteristic of Goldsmith, the variety of themes which he handled. In his *Miscellanies* we find him treating every subject, visiting every climate, familiar with every tongue,—discussing the Seven Years' War, the merits of the Golden Treaty, and the question of trade to Spanish America, tracing the rise of the Dutch Republic, and the decline of French Parliaments, and as much at home in Voltaire's Controversy on Tragedy with Le Motte, the laws of Beau Nash, and the Institutes of Francis Xavier, as with the physiological phenomena of Sleep, and the Medical qualities of its most fatal enemy, Tea.....We have left but a little space for a notice of his essays. The adventures of a Strolling Player, and the papers on the cultivation of a taste for Belles Lettres, and a taste for Poetry, may stand for wit and humour by the best of the Tattlers and Spectators. The allegory of Assem, the Man-hater, is inferior to the vision of Mirza, only in its subject. As a dramatist, the author of the Good-Natured Man does not pretend to even a second-rate position among his brethern. He has nothing in common with the dramatists of the Restoration, neither the wit nor the obscenity of Congreve or Wycherly. If he resembles any of them it is Farquhar, and more strongly Vanbrugh, and that only in the delineation of such characters as depend for their development on an excess of animal spirits;—his Tony Lumpkin for instance.

As a poet, Goldsmith stands not very high among the descriptive poets. There is a sweetness in his verse, an artless grace in his rhythm, which in spite of its cultivated chasteness, commends it to the memory more than that of Thompson, or any of his contemporaries. His praise is rather a negative one, that he is comparatively free from that mythological idolatry, which made the eighteenth century as distinguished as the sixteenth, and Pope as distinguished as Gongora, and to which Addison oddly enough considered the muse of Ambrose Phillipps the antidote. In his most formal efforts, Goldsmith never includes that worship of Chloes and Danaes, Phillises and

Chlorises, with which, as Dorset himself rather inelegantly sang—

“The poor town had tumbled too long.”

And it redounds to his honour in an age whose pastorals and eclogues had been but faint echoes of Virgil and Theocritus, when the sylvan dramas were invariably laid in Arcadias, and peopled with Fauns and Satyrs, Naiads and Dryads, when the sheep that browsed the grass of Windsor were presided over by Pan, the crab-apples that grew in Windsor Forest watched by Pomona, and the very destinies of Fleet-ditch dispensed by no guardian less ignoble than Cloacina. It is characteristic of his poetry that he finds fault with Guarini for reviving a pastoral taste in Italy, though indeed the associations of locality sometimes apologise for eccentricities as much as the associations of the age, and we should no more blame Guarini for converting his nuns and abbès into shepherds and shepherdesses, than we should find fault with Danté for mixing up Virgil and St. Peter, Purgatory and the River Styx.

There are a few scenes of domesticated humility in his poems, that would almost have anticipated the Village Register or the Borough. Not that Goldsmith's name is to be associated for a moment with Crabbe's. There is quite as much difference between Goldsmith and Crabbe, as between Pope and Goldsmith. The subjects of both Crabbe and Goldsmith are homely to a degree. But in manner, and in the delineation of their themes, they have nothing in common. There is more of fact, less of ideality in the poetry of Crabbe, than in any other English poet. Goldsmith is in some degree historical, it is true, but his Auburn is seen nevertheless with the eye of the imagination, not with the eye of the flesh. The material muse of Crabbe seems to have scorned the fantastic representations of the fancy. He painted not the embellished life of the poet, but real life, such as he met with in the lanes of his parish at Belvoir. The ordinary colours of poetry, the vulgar materials of poets, sentimental swains and milkmaids, hawthorn groves, daisied meadows, and purling streams, he deserted for the haunts and the victims of human guilt and human misery, for the dens of crowded cities, the gin shop, the tavern, the prison, and the lazareth-house. The Damons and Corydons, Chloes and Phillises

of fiction were converted into such delineations as Keene and Blaney, Clelia and Ellen Orford. He was essentially the poet of low life. His poetry stands in the same relation to common poetry, that the Beggar's Opera does to the ordinary representations of the drama.

Were we to search for his counterpart among the prose writers of his era, we should point at once to De Foe. Poverty supplied him with his subjects. His is especially the heroism of the poor, the infirm, and the depraved. Disease, says the naturalist, decks beauty with the pearl. From the worthlessness of human distemper, the genius of Crabbe extracted the priceless ornaments of human morality.

Judging from the physiognomy of Goldsmith's personal and literary character, he would hardly have been qualified for a reformer. Accordingly we find him living and writing on the threshold of a revolution in literary composition, and taking no part in it.

The value of the writings of the era of Queen Anne, after considerable fluctuation, has at last been generally decided on. That exaggerated admiration once bestowed on them has been reduced perhaps to a mere negative approbation. There is this apology for them. The writers of Anne had the misfortune of coming before the world in an anomalous interregnum. The period was the intermediate one between two great epochs of primitive originality and of modern invention, between the age of Bacon and Raleigh and the age of Blackstone, Clarke, and Adam Smith. It was the complaint of one of the foremost amongst them—the author of the *Spectator*—that for those who live in the latter times it is impossible to make observations in criticism, or morality, in any art or any science which have not been touched upon by others. "We have little else left us but to represent the common sense of mankind in more strong, more beautiful, and more uncommon lights." Goldsmith himself, in the first edition of his view of learning in Europe, committed the error of falling into the same despair, when he used almost the same language. "It is a misfortune for writers to be born in a period so enlightened as ours. The harvest of wit is gathered in and little left for us to glean." With despair in their hearts, and the saying of Boileau on their lips, that wit and fine writing do not consist so much in advancing things that are new, as in giving to things that are

known an agreeable turn, it was natural that they should have acquiesced tamely in the awkwardness of their situation. They had come at the eleventh hour. They found every province occupied. The sickles of others had already reaped the full crop of wisdom. Such was their argument. They were anticipated, and they had the consciousness of being imitators without having the power or the enterprise to be inventors. To decorate the massive structures which others had built was their second-rate labour. At the art of adorning they were consummate workmen. The roughest granite lost its homeliness and its sublimity under their chaste and delicate chisel. But it would be a libel on originality to assign it as their characteristic.

The cotemporaries of Bacon, on the other hand, unlike the cotemporaries of Addison, lived in an atmosphere but recently impregnated with the great revival of letters. Before them everything was informal, void, and without order. Unfettered by the canons of traditional knowledge, their works betray a full and keen appreciation of the liberty they enjoyed. They were free to wander at will in the rich province of ancient learning. Independence of thought soon begat independence of style. For rules they had no regard. Systems as yet there were not. The graces of manner, the proprieties of diction, familiar only in an age of polish, could not cramp the novelty of their conceptions, or check their fertility. Their genius soared above all those mechanical qualities which may produce harmless elegance and inoffensive correctness, but which can only be violated to produce energy of feeling and vehemence of expression. They had in their favour, moreover, a selection of subjects denied to the servile race of compulsory imitators. All the grand themes of human knowledge, the awful truths of revealed theology, the truths of morality, the whole range of mental philosophy courted a free and open and luminous discussion. Writing, too, in an age when books were few, and consequently readers were few, they were not nice or fastidious in their manner. Their ponderous folios pregnant with the large and elaborate argumentations of laborious study were addressed, they well knew, to minds who were not loth to see a favourite theory exhausted, or a learned controversy illuminated by prolix proofs or accumulated dogmas. Copiousness, though it were involved, diffusiveness, though

it were cumbrous, won for them what condensation and precision and all the stratagems of disciplined artists, gained for the writers of the early part of the eighteenth century.

With these writers the case was different. After the Revolution all incitement to gigantic independence had become obsolete and unfashionable. The spread of knowledge had entailed on those whose business it was to impart it, distinctness and ease. The result was the reactionary spirit that we have noticed. And, indeed, it must be confessed, that although some sacrifices were made to it, it was not altogether without its advantages. If force of argument was sometimes lost in the triteness or the tameness of the language in which it was propounded, comprehensibility compensated for rhetorical enervation. Irony might have parted with some of its overwhelming weight, but pleasantry became more polite. Narration might have been divested of its ponderous sonorousness, but a tone of condensed though superficial good sense rang through the new manner. Eloquence might have suffered in passionate luxuriance, fancy may have lost in animated vigour, but there was, nevertheless, in the colder modulation, the tamer vivacity, a scrupulous delicacy, and a well-tutored fluency which served as fictitious excitements to pallets that preferred insinuation to dogmatism, felicitous discrimination to philosophic rapture. Such was their praise, and such was the praise of Goldsmith. With the founders of the modern school, with men like Johnson, Beattie, and Burke, in whose hands force and freedom are nicely balanced with correctness and perspicuity, and who assisted the reflux of popular taste, not indeed to the Gothic informality of Raleigh and Browne, but to the more concordant and no less nervous phraseology of Clarendon, Hobbes, and Isaac Walton, he would not, or at least did not, cooperate. There is but one of the writers of the period in question, who, in his style and subjects, offered a signal contrast to his contemporaries, and at whom we can only hint—we mean, of course, De Foe. While Addison was studying the composition of anagrams, cronograms, coquettes, and cherubim, or discussing the philosophy of beards, patches, and hoop petticoats; while Swift was converting the fashionable Catalines and Cetheguses of the hour, by allusions to the statute-books of Greece and Rome, while Pope hovering between the sophistries of his friend

Bolingbroke, and the theology of his monitor Warburton, was giving birth to his code of artistic morality, De Foe was instructing his generation how to anticipate the labours of Macadam and Howard, and in an essay as enterprising as the *Novum Organum*, or the *Principia* was proclaiming schemes of financial and commercial economy in language not unworthy of the Free Trade Catechism or the *Wealth of Nations*.

Goldsmith laughed at Sterne as a dull fellow, yet if we were disposed to associate him with any of his cotemporaries, it would be with the author of *Yorick*. In temperament a whole list of corresponding phenomena would identify the two. The same disregard of consequences, the same absence of that discretion which Sterne characterized as "an understrapping virtue," the same cheerful magnetic philosophy that carried him through the sentimental journey, the same genial joviality that made Warburton despair of his reform, the same eccentric frankness almost amounting to levity, that made Gray tremble to hear him preach, the same inharmonious want of balance in the writer and the man that puzzled his Cambridge tutors, the same susceptibility to affliction which has linked his name so sweetly with "his *Lydy*," the same insensibility to the experience of yesterday, that compelled him to hire a pane in the window of a stationer's shop to advertise his pen for hire, and finally consigned him to die in a strange lodging in the arms of menials, each idiosyncrasy may find its counterpart in the category of those incidents which make up the sum of Goldsmith's moral and physical existence.

Though Johnson has given us nothing more of him than his epitaph, we are indebted for the partial details of his life to a man with whom he had many faults in common, who was continually maligning him behind his back, who, had it not been for his connection with Johnson, would probably have taken no notice of him, and who was not worthy to unloose the latchet of his shoe. Those who wish to know his failings will find them systematically recorded in the book of the biographer, *Corsica Boswell*.

For ourselves we own to a particular weakness for the author of the *Traveller*. We know his cotemporaries with a more than ordinary intimacy. But in spite of his foibles, perhaps by reason of his foibles, we involuntarily attach ourselves to the memory of Goldsmith. Step by step we trace

him from his first emergence at Ballymahon, through the toils of college, the adventures of travel, and the anxieties of authorship up to the last undisturbed repose of bodily rest and literary fame in the Temple Church Yard. All the little traits of his character, his childish fits of temper, his childish fits of mirth, his quickness to take offence, his quickness to forgive it, his blundering heedlessness, his little jealousies, his vanity in the wrong place, his want of spirit in the right place, his open heart always in advance of his judgment, his guileless tongue always ahead of either, are as familiar to us as the dog-eared Greece and Rome of our schooldays, which bear his superscription. Nor can we easily forget the features, so ugly, that women turned their eyes from them, yet so good that children loved to play with them, the uncouth walk, the Irish brogue and emphasis, the bloom-coloured coat and gold-hilted rapier, the odd love for beggars, the strange taste for sassafras, the room in the Temple so emblematic in its confusion, strewn with manuscripts, half-torn books, violins, loose pieces of money, half-worn finery, and half-emptied bottles, beneath which Blackstone, heedless of the Bacchanalian noises above and the cawing of the rooks without, was hard at work at his commentaries, where the hard earned wages of a month were too often wasted in the jovialities of an hour, and from whence the hapless occupant too often fled to escape the importunities of an intrusive creditor to the social attractions of that tavern-parlour where Johnson had just directed some sarcasm at Boswell, or some philanthropy to Bennet Langton, where the courtly Beauclerc vouchsafed to smile at some comic pleasantry from Garrick, where Gibbon exchanged snuff-boxes with the manly Reynolds, and where Burke, just fresh from the castigation of the Bloomsbury gang, forgot for a moment the intrigues of party in the infliction of some Addisonian stroke of humour on his artless friend and countryman.

ART. IV.—*The Lives of the Chief Justices of England from the Norman Conquest till the Death of Lord Tenterden.* By John Lord Campbell, LL.D., F.R.S.E. Vol. 3. London: Murray, 1857.

THE third volume of "the Chief Justices of England" completes the lengthened series of legal biographies, to which Lord Campbell has devoted the leisure of many years. It is separated from its predecessors by a long interval—nearly eight years,—during which period the author has been himself a Chief-Justice—making for some future biographer the history which he has been writing of those who have gone before him. Almost at the very date of the publication of his first and second volumes, (October 1849) Lord Campbell received an intimation from the Prime Minister, that upon the resignation of Lord Chief Justice Denman, which in consequence of a recent severe attack of paralysis was then daily expected, he should be appointed to succeed him; and when he actually began the opening Memoir of the present volume, that of Lord Kenyon, Lord Mansfield's successor, it was with the somewhat unpleasant consciousness that "he might calculate on being himself in his turn subjected to the criticism" of some yet unborn historian of Chief Justices. As though this very feeling had quickened his wit and given point to his criticism, the memoirs which compose the third volume are in some respects the most lively as well as the most carefully elaborated in the entire series. Perhaps, too, it is to a certain nervous foreshadowing of the criticisms which await his own judicial procedures in the times of religious excitement on which his Chief-Justiceship has fallen, that we are to ascribe the pungent and often rigorous strictures which he has passed upon the occasional deviations from strict judicial impartiality into which the prejudices of party betrayed the otherwise eminent men whose career he describes in these lively memoirs.

The period to which they belong, it is true, involves far less of the romance of history than that of the earlier volumes. It would be easy to find lives more full of curious incidents and striking adventure than those of Lord Kenyon, Lord Ellenborough, and Lord Tenterden; but we doubt whether, as subjects of strictly legal biography, there are three names to be found in the long roll of Justi-

ciaries and of Chief Justices, from Odo of Bayeux to Lord Campbell himself, more full of interest or more pregnant with instruction. There may be more excitement in the career of a Chief-Justice like Popham, who passed his apprenticeship to the bench, in taking purses on the highway, and learnt to hang highwaymen by being a highwayman himself. The imagination may dwell with deeper interest on a dramatic scene like that of Chief-Justice Gascoigne snubbing the heir-apparent to the throne, or on its pendant, Chief-Justice Montague "reduced" by bluff King Hal. It may be more startling to read of the fierce brutalities of Scroggs or of Jefferies, or the scarce less hateful corruption of Saunders or Wright. But the lives of the three Chief-Justices now before us, teach infinitely more to the professional student, and even to the constitutional historian, than all the rest of the Memoirs in Lord Campbell's collection, with the exception of those of Coke, Sir Matthew Hale, and the great Lord Mansfield. It is true that the facts and principles really valuable for these purposes of study are mixed up with a large amount of highly amusing, though often frequently ill-natured gossip, which many will think unworthy the calm and dignified reserve of a judicious biographer, however it may accord with the morbid appetite for personal scandal which is the great demon of the literary taste of our age; but this is a characteristic of the work which rather affects the person of the author than the value of his publication; and we are afraid that to many of its readers it will prove not the least attractive portion of its contents.

Not one of the subjects of Lord Campbell's three biographies owed his elevation to any of the accidents of birth or position. On the contrary, Kenyon drew little but jokes and jibes from his barren Welsh pedigree; Law (Lord Ellenborough) could not claim in the paternal line an ancestor above the rank of "statesmen," as the freehold farmers of his native shire are locally designated; while the third, Abbott (Lord Tenterden) was the son of a Canterbury barber. The two latter, nevertheless, supplied the scantiness of their pedigree by the advantages of a liberal and refined education.

Lloyd Kenyon (so called from the maternal family name) was born at Gredington, in Flintshire, in 1732. He was educated, first at a dame's school in that village, afterwards at the free grammar-school of Ruthin, where he stayed

long enough "to acquire a little Latin in addition to his Welsh and English; but he never knew even the Greek alphabet, and of no other language had he a smattering, except some law phrases in Norman French. He never advanced further in the abstract sciences than the "Rule of Three;" and he is said piously to have believed to his dying day that the sun goes round the earth once every twenty-four hours." (p. 3.)

At the age of fourteen he was apprenticed to a Nantwich attorney named Tomkinson. On the death of his elder brother, however, he was induced to aspire to the more liberal department of the law, and in 1750 was enrolled a student of the Middle Temple. But his change of destination brought no corresponding change of tastes or studies. Beyond the mere text books of law he read absolutely nothing. He had no suspicion that his education had "been defective, nor the slightest desire to take any knowledge except law for his province. Not having a university degree, it was necessary, according to the regulations then in force, that he should be five years a student before he could be called to the bar. During this long period he gave proof of unwearied diligence and rigid self-denial. He pored over his law books day and night. Being once treated to the play, he declared sincerely that he found no pleasure in the performance, and it is said that he never was again within the walls of a theatre till, having reached the dignity of Chief Justice, he was prevailed upon to visit Drury Lane, that he might see the famous melo-drame 'Pizarro,'—when, falling asleep in the middle of the electrifying declamation against 'avarice and ambition,' Sheridan, the mortified author, vengefully exclaimed, 'Alas! poor man, he fancies himself on the bench.'"

His struggles during these years deserve a place in the record of the pursuit of knowledge under difficulties, although his economy then, as in later life, degenerated into penuriousness.

"His finances being very limited, he kept account books for many years containing entries of every single farthing which he expended. These are still preserved, and contain mysterious abbreviated items, which have given rise to much speculation and laughter, but I believe that they may be explained without the slightest slur being cast upon his very exemplary morals. Although the companions in whose society he chiefly delighted were those whom he met at Mr. Seckerson's, he made acquaintance in the

Middle Temple Hall with some men who afterwards gained great distinction. Two of these were John Horne Tooke and Dunning, who were allied to him by penury as well as genius. 'They used generally in vacation time to dine together at a small eating-house, near Chancery Lane, where their meal was supplied to them at the charge of 7½d. a head.' Tooke, in giving an account of these repasts many years after, used to say, 'Dunning and myself were generous, for we gave the girl who waited on us a penny a piece, but Kenyon, who always knew the value of money, rewarded her with a halfpenny and sometimes with a *promise*.' Kenyon, when elevated to the Bench, without owning to the manner in which he was supposed to have treated the maid, would very manfully point out the shop where he had been accustomed to dine so economically; yet it is said that he displayed evident signs of wounded pride when under a subpoena he was obliged in the Court of Common Pleas to prove the execution of a deed which he had attested while clerk to Mr. Tomkinson, at Nantwich."—Vol. iii. pp. 7-8.

Kenyon was called to the bar in 1756. His first rise was through the celebrity of his fellow-student just named, Dunning, who, soon rising to great eminence, and having many more cases than he could himself answer, employed the plodding Welshman as his "fag." Kenyon's exceeding industry and quickness enabled him at once to gather the important facts of a case from the mass of documents in which they were generally concealed; and his rapid but pregnant notes were often the only guide of the great popular lawyer in the causes which brought him not only gold but reputation. Many hundreds of opinions, which Dunning had never read "were copied from Kenyon's MS. by Dunning's clerk, and signed by Dunning's hand. The only return, which Kenyon received was a frank [Dunning was by this time in parliament,] when writing to his relations, and this courtesy had once nearly led to a fatal quarrel between the two friends, for to the direction of a letter addressed to 'Gredington, Flintshire,' Dunning waggishly added, 'North Wales, near Chester.' The insult to the Principality stirred up the indignation of the fiery Welshman, who exclaimed, 'Take back your frank, Sir—I shall never ask you for another:' and he was flying away in a towering passion, but was at last appeased."

The secret, however, gradually "oozed out." Attorneys began to come direct to the industrious and able fag, and Lord Campbell relates to his honour, that although the exceeding brevity and clearness which he affected in the answers, bills, or deeds which he drew, made him for

a time unpopular with attorneys, whose profits depend so much on the length of the papers which pass through their offices, he never could be induced to introduce unnecessary forms, or unnecessarily to lengthen recitals or embarrass his draughts in any way by these useless though profitable technicalities.

Fortunately for him, too, his readiness and ability were discovered and turned to use by a more influential, as well as more generous, great man than Dunning.

"But his fortune was made by the elevation of Thurlow to the woolsack. This man of extraordinary capacity and extraordinary idleness, when called to sit in the Court of Chancery earnestly desired to decide properly, and even coveted the reputation of a great judge, but would by no means submit to the drudgery necessary for gaining his object, and as soon as he threw off his great wig, he mixed in convivial society or read a magazine. To look into the authorities cited before him in argument, and to prepare notes for his judgment, Hargrave, the learned editor of Coke upon Littleton, was employed, but he was so slow and dilatory, that the lion in a rage was sometimes inclined to devour his jackal. Kenyon, sitting in court with a very moderate share of employment, having once or twice, as *amicus curiæ*, very opportunely referred him to a statute or a decision, was called in to assist him in private, and now the delighted Chancellor had in his service the quickest, instead of the most languid, of journeymen. He even took a personal liking for Kenyon, although in grasp of intellect, in literary acquirements, in habits of industry, in morals, and in every respect, a striking contrast to himself. Laughing at his country, calling him by no other name than *Taffy*, holding up to ridicule his peculiarities, but knowing him to be a consummate English lawyer, he resolved to reward him by raising him to the bench.

"A legal dignity falling in, Serjeant Davenport, who had strong claims on the Government, and had met with many prior disappointments, thus applied for it, thinking that by his laconic style he might adapt himself to Thurlow's humour: 'The Chief Justiceship of Chester is vacant—am I to have it?' The reply was in the same taste: 'No, by G—d! Kenyon shall have it.'

"On Kenyon it was spontaneously bestowed, to his infinite gratification, for it left him still his lucrative practice at the bar; and not only had he a handsome salary with his new office, but Flint, his native county, was within his jurisdiction, and in the presence of his schoolfellows he was to act the part of a Chief Justice."—Vol. III., pp. 10-11.

This was the decisive point of his career. His business, thenceforward steadily increased; and although he never

was able to address a jury, he ran rapidly through all the more substantial successes of his profession. In 1782 he was named Attorney-General, and again in 1784, when on the death of Sir Thomas Jewell he was appointed Master of the Rolls, with a Baronetcy. He continued, nevertheless, in Parliament, where his principal notoriety arose from his attack (which he several times renewed) on the public accountants;—an attack mainly levelled against Fox, on whom, as the representative of his father, who had been Paymaster-General, all that father's liabilities had descended with his inheritance;—and from his conduct in reference to the scrutiny in Fox's celebrated Westminster contest against Sir Cecil Wray. In 1788, on the resignation of Lord Mansfield, Kenyon aspired to the office of Chief Justice. His excessive parsimony had long been the subject of ridicule. The gibes of the Rolliad had made him for years the butt, not alone of the Inns of Court, but of the entire nation; it was reported he had actually gone to court to kiss hands on his appointment, in a second-hand suit purchased of Lord Stormont's valet. This, as well as his hasty and discourteous manner, and perhaps most of all his notorious deficiency in all liberal learning, made his appointment generally unpopular; and it was especially distasteful to Lord Mansfield who had anxiously desired that his successor should be Mr. Justice Buller. But the friendship of Pitt overruled all these difficulties, and on the last day of Trinity Term, 1788, he was sworn into office. In some respects this elevation was far from desirable. "The misfortune of his defective education now became more conspicuous, for he had not acquired enough general knowledge to make him ashamed or sensible of his ignorance, and without the slightest misgiving he blurted out observations which exposed him to ridicule. He was particularly fond of quoting a few scraps of Latin which he had picked up at school, or in the attorney's office, without being aware of their literal meaning. In addition to the 'modus in rebus,' he would say, that in advancing to a right conclusion, he was determined *stare super antiquas vias*, and when he declared that there was palpable fraud in a case, he would add 'apparently *latet anguis in herbâ*.' At last George III., one day at a levee, said to him, 'My Lord, by all I can hear it would be well if you would stick to your good law and leave off your bad Latin,' but this

advice, notwithstanding his extraordinary loyalty, he could not be induced to follow."

In illustration of the new Chief Justice's infirmity of temper, Lord Campbell, although he professes to discredit it, cannot resist the temptation of printing another saying, attributed to George the Third, "My Lord Chief Justice, I hear you have lost your temper, and from my great regard for you I am only glad to hear it, for I hope you will find a better one."

It is in the case of Lord Kenyon that the personal experience of the biographer of the Chief Justices commences.

"I now come to a trial at which I was myself actually present—the prosecution of Hadfield for shooting at George III.

"On the 28th of June, 1800, being yet a boy, for the first time in my life I entered the Court of King's Bench, and with these eyes I beheld Lord Kenyon. The scene was by no means so august as I had imagined to myself. I expected to see the Judges sitting in the great hall, which, though very differently constructed for magnificence, might be compared to the Roman Forum. The place where the trial was going on was a small room enclosed from the open space at the south-east angle, and here were crowded together the Judges, the jury, the counsel, the attorneys, and the reporters, with little accommodation for bystanders. My great curiosity was to see Erskine, and I was amazingly struck by his noble features and animated aspect. Mitford, the Attorney-General, seemed dull and heavy; but Grant, the Solicitor-General, immediately inspired the notion of extraordinary sagacity. Law looked logical and sarcastic. Garrow verified his designation of 'the tame tiger.' There were five or six rows of counsel, robed and wigged, sitting without the bar—but I had never heard the name of any of them mentioned before. I was surprised to find the four judges all dressed exactly alike. This not being a Saint's day, the Chief Justice did not wear his collar of SS to distinguish him from his brethren. There was an air of superiority about him, as if accustomed to give rule, but his physiognomy was coarse and contracted. Mr. Justice Grose's aspect was very foolish, but he was not by any means a fool, as he showed by being in the right when he differed from the rest. Mr. Justice Lawrence's smile denoted great acuteness and discrimination. Mr. Justice Le Blanc looked prim and precise.

"From the opening of the case by the Attorney-General, I formed a very low estimate of the eloquence of the English bar; but when Erskine began the defence, he threw me into a phrensy of admiration, and indeed I should have been fit for nothing had I been less excited; for this was perhaps his *chef d'œuvre*, and, therefore, the finest speech ever delivered at the English bar.

"Lord Kenyon did not interpose till several witnesses had distinctly proved the mental hallucination under which the prisoner had laboured when he fired at the King. The solemn proceeding was then thus terminated :

"*Lord Kenyon.*—'Mr. Erskine, have you nearly finished your evidence?'

"*Mr. Erskine.*—'No, my Lord, I have twenty more witnesses to examine.'

"*Lord Kenyon.*—'Mr. Attorney-General, can you call any witnesses to contradict these facts? With regard to the law as it has been laid down, there can be no doubt upon earth. To be sure if a man is in a deranged state of mind at the time when he commits the act charged as criminal, he is not answerable. The material question is *whether at the very time when the act was committed this man's mind was sane?* I confess that the facts proved convince my mind that at the time he committed the supposed offence (and had he then known what he was doing, a most horrid offence it was) he was in a very deranged state. Mr. Attorney-General, you have heard the facts given in evidence. To be sure, such a man is a most dangerous member of society, and it is impossible that he can be suffered, supposing his misfortune to be such, to be let loose upon the public. But I throw it out for your consideration, whether in this criminal prosecution it is necessary to proceed farther. If you can show it to be a case by management to give a false colour to the real transaction, then assuredly the defence vanishes.'

"*Mr. Attorney-General.*—'I must confess I have no reason to suspect that this is a coloured case. On the contrary, I stated that I understood the prisoner had been discharged from the army upon the ground of insanity. But the circumstances which have now appeared were perfectly unknown to me.'

"*Lord Kenyon.*—'Your conduct, Mr. Attorney-General, has been extremely meritorious. In the present posture of the cause, I will put it to you whether you ought to proceed.'"—Vol. III. pp. 57-59.

Kenyon died in 1802, and "if we can believe his immediate successor, who had a fair character for veracity, Lord Kenyon studied economy even in the hatchment put up over his house in Lincoln's Inn Fields after his death. The motto was certainly found to be '*Mors janua vita*'"—this being at first supposed to be the mistake of the painter. But when it was mentioned to Lord Ellenborough, 'Mistake!' exclaimed his Lordship, 'it is no mistake. The considerate testator left particular directions in his will that the estate should not be burdened with the expense of a *diphthong*!' Accordingly he had the glory of dying very rich. After the loss of his eldest son, he said with great emotion to Mr. Justice Allan Park, who repeated

the words soon after to me—"How delighted George would be to take his poor brother from the earth, and restore him to life, although he receives £250,000 by his decease!"

Absurd as is this story, it is but one of a host of similar stories, illustrative of this singular penuriousness. Lord Campbell tells of his own personal knowledge, a curious instance of the economy which the Chief Justice practised "in the adornment of his head. It was observed for a number of years before he died, that he had two hats and two wigs—of the hats and the wigs one was dreadfully old and shabby, the other comparatively spruce. He always carried into court with him the very old hat and the comparatively spruce wig, or the very old wig and the comparatively spruce hat. On the days of the very old hat and the comparatively spruce wig he shoved his hat under the bench, and displayed his wig; but on the days of the very old wig and the comparatively spruce hat he always continued covered. I have a very lively recollection of having often seen him sitting with his hat over his wig; but I was not then aware of the Rule of Court by which he was governed on this point." (p. 91.)

One of the miseries of the gossiping biography in which Lord Campbell indulges so mercilessly is, that it is by anecdotes such as these, and not by their really solid and great qualities the heroes of such tales are sure to be remembered. It is only justice, therefore, before we pass from this memoir, to add the testimony to Kenyon's qualities as a judge, which Lord Campbell cannot withhold.

"Although not free from considerable defects, in spite of them he turned out to be a very eminent common law Judge. His thorough acquaintance with his craft, his intuitive quickness in seeing all the bearings of the most complicated case, and his faculty of at once availing himself of all his legal resources, gave him a decided advantage over competitors who were elegant scholars, and were embellished by scientific acquirements. He had a most earnest desire to do what was right; his ambition was to dispose satisfactorily of the business of his Court, and to this object he devoted his undivided energies."—Vol. III. p. 44.

Edward Law (Lord Ellenborough) was the younger son of Dr. Edmund Law, who, from an humble origin had risen by his learning to the see of Carlisle. He was educated at Charterhouse-school, and entered Peterhouse,

Cambridge, of which his father was then master. His college career, though a wild one, was not without its intervals of most laborious study; and notwithstanding his father's wish that he should embrace the Church as a profession, having succeeded in obtaining the Cambridge Fellowship, he took chambers in Lincoln's Inn, and entered himself in the office of George Wood, the celebrated special pleader. For several years he devoted himself to this branch, and being called to the bar in 1780, went the Northern Circuit. Lord Campbell's account of his first circuit will interest our young legal friends.

"In the beginning of March, 1780, he joined the circuit at York, causing considerable alarm to those established in business, and curiosity among the disinterested. Without any suspicion of improper arts being used by himself, or of improper influence being exercised in his favour by others, at the opening of the Nisi Prius court a large pile of briefs lay before him. His manner was somewhat rough, and he was apt to get into altercations with his opponents and with the judge; but his strong manly sense, and his familiar knowledge of his profession, inspired confidence into those who employed him; and the mingled powers of humour and of sarcasm which he displayed soon gave him a distinguished position in the Circuit Grand Court held *foribus clausis* among the barristers themselves, in which toasts were given, speeches were made, and verses were recited, not altogether fit for the vulgar ear.

"At this period there were never more than two or three King's counsel on any circuit; and a silk gown was a high distinction to the wearer, not only among his brethren, but in general society,—placing him above the gentry of the country. The Northern leaders then were Wallace and Lee, whom no attorney approached without being uncovered. They were men of great eminence from their personal qualifications, and it was expected that they would speedily fill the highest judicial offices. They were before long taken from the circuit, to the joy of their juniors—Wallace being made Attorney-General, and Lee Solicitor-General; but, unluckily for them, they adhered to Mr. Fox and Lord North, and the permanent ascendancy of William Pitt after he had crushed the coalition was fatal to their further advancement. Neither of them having reached the Bench, their traditionary fame, transmitted through several generations of lawyers, is now dying away.

"Till the beginning of the 19th century the Northern Circuit in the spring, was confined to Yorkshire and Lancashire. In early times the distance of the four hyperborean counties from the metropolis, and the badness of the roads, rendered it impossible to hold assizes in any of them during the interval between Hilary and

Easter Terms—so that a man committed for murder in Durham, Northumberland, Cumberland, or Westmoreland, might lie in gaol near a twelvemonth before he was brought to trial. At the accession of George III. there were turnpike trusts in the remotest parts of the kingdom, and post-horses were found wherever they were desired; but the usual superstitious adherence to ancient customs when the reason for them had ceased, long obstructed every attempt to improve the administration of justice in England.

"The business being finished at York, Mr. Law proceeded with his brethren to Lancaster, where the list of civil causes was still scanty, although all that arose within the County Palatine were to be tried here. Liverpool, compared with what it has since become, might have been considered a fishing village; Manchester had not reached a fourth of its present population; and the sites of many towns, which now by their smoke darken the Lancastrian air for miles around, were then green fields, pastured by cattle, or heathery moors, valuable only for breeding grouse. Here our junior did not fare so well as at York; yet he could not have been indicted at the Grand Court for carrying *unam purpuream baggam flaccescentem omnino inanitatis causa*; for although Wallace, who was nearly connected with him by marriage, had made him a present of a bag—an honour of which no junior before could ever boast on his first circuit—its flaccidity was swelled out by several briefs, which he received from an attorney of Ashton-under-Lyne, who used afterwards boastingly to say, '*I made Law Chief Justice.*'"—Vol. iii. pp. 104-6.

This was the prelude of a laborious but steadily successful career, of which the crowning fortune was his brief in the celebrated case of Warren Hastings. The selection of Law for this brilliant post was purely the result of circumstances.

"Hastings himself was naturally desirous that he should be defended by Erskine, who had acquired so much renown as counsel for Lord George Gordon, and who had loudly declared his own personal conviction to be that the ex-Governor-General deserved well of his country. But as the impeachment had become a party question, and was warmly supported by the leaders of the party to which Erskine belonged,—although he was not then a member of the House of Commons, he reluctantly declined an engagement in which his heart would enthusiastically have prompted the discharge of his professional duties, and by which he might have acquired even a still greater name than he has left with posterity. He declared that he would not have been sorry to measure swords with Burke, who in the House of Commons had on several occasions attacked him rather sharply and successfully. 'In Westminster Hall,' said he, 'I could have smote this antagonist hip and thigh.' But

Erskine could not for a moment endure the idea of coming into personal conflict with Fox and Sheridan, whom he loved as friends, whom he dreaded as rivals, and with whom, on a change of government, he hoped to be associated in high office.

"The bar at this time afforded little other choice. Dunning had become a Peer and sunk into insignificance; his contemporaries were either connected with Mr. Pitt's Government, or were declining from years and infirmity—and among the rising generation of lawyers, although there was some promise, no one yet had gained a position which seemed to fit him for this 'great argument.'

"The perplexity in which Hastings and his friends found themselves being mentioned in the presence of Sir Thomas Rumbold, who had been in office under him in India, he delicately suggested the name of his brother-in law, pointing out this kinsman's qualifications in respect of legal acquirements, of eloquence, and, above all, of intrepidity—on which, considering the character of the managers for the Commons, the acquittal of the defendant might chiefly depend. This recommendation was at first supposed to proceed only from the partiality of relationship; but upon inquiry it appeared to be judicious. The resolution was, therefore, taken to employ Law as the leading counsel, associating with him Mr. Plomer, afterwards Vice-Chancellor and Master of the Rolls, and Mr. Dallas, afterwards Solicitor-General and Chief Justice of the Common Pleas,—in whom Law entirely confided and with whom he ever cordially cooperated. He still wore a stuff gown when this retainer was given, but he was clothed in silk before the trial began.

"He prepared himself for the task he had undertaken with exemplary diligence and assiduity. Carrying along with him masses of despatches, examinations, and reports, which might have loaded many camels, he retreated to a cottage near the lake of Windermere, and there spent a long vacation more laborious than the busiest term he had ever known in London. Although possessing copiousness of extempore declamation, he was fond of previously putting down in writing what he proposed to say in public on any important occasion, and there are now lying before me scraps of paper on which he had written during this autumn apostrophes to the Lords respecting the Rohilla war, the cruelties of Debi Sing, and the alleged spoliation of the Begums."—Vol. III. pp. 111-12.

The steps of this now historical case, as recorded by Lord Campbell, are extremely interesting, and we should gladly extract a few of the most piquant details. His Lordship relates very amusingly how cleverly Law turned to account the frivolity and vanity of Michael Angelo Taylor, a briefless barrister, who, although the butt of the Northern Circuit, had contrived to get himself appointed

a Manager. An important point coming on for argument, Law observed—"It is really a pity to waste time in discussing such a point which must be clear to all lawyers: this is no point of political expediency, it is a mere point of law, and my honourable and learned friend there (pointing to Michael Angelo), from his accurate knowledge of the law, which he has practised with so much success, can confirm fully what I say." Michael puffed, and swelled, and nodded his head—when Burke ran up to him quite furious, and shaking him, said, 'You little rogue, what do you mean by assenting to this?'" (p. 122.) But for these, and still more for the law points and judgments referred to in this and the other biographies, we must leave the reader to satisfy his curiosity by consulting the original. We can only find room for a single scene—one, however, which groups together very characteristically three great legal celebrities, Kenyon, Law, and Law's great rival, Erskine.

"Law's fees, considerably exceeding 3000*l.*, were a poor pecuniary compensation to him for his exertions and his sacrifices in this great cause; but he was amply rewarded by his improved position in his profession. When the trial began he had little more than provincial practice, and when it ended he was next to Erskine—with a small distance between them. Independently of the real talent which he displayed, the very notoriety which he gained as leading counsel for Mr. Hastings, was enough to make his fortune. Attorneys and attorneys' clerks were delighted to find themselves conversing at his chambers in the evening with the man upon whom all eyes had been turned in the morning in Westminster Hall—a pleasure which they could secure to themselves by a brief and a consultation. From the oratorical school in which he was exercised while representing Warren Hastings, Law actually improved considerably in his style of doing business; and by the authority he acquired he was better able to cope with Lord Kenyon, who bore a strong dislike to him, and was ever pleased with an opportunity to put him down. This narrow-minded and ill-educated, though learned and conscientious, Chief Justice had no respect for Law's classical acquirements, and had been deeply offended by the quick-eared Carthusian laughing at his inapt quotations and false quantities. Erskine, who had much more tact and desire to conciliate, was the Chief Justice's special favourite, and was supposed to have his 'ear' or 'the length of his foot.' Law, having several times, with no effect, hinted at this partiality,—after he had gained much applause by his speech on the Begum charge, openly denounced the injustice by which he suffered. In the course

of a trial at Guildhall he had been several times interrupted by the Chief Justice while opening the plaintiff's case, whereas Erskine's address for the defendant was accompanied by smiles and nods from his Lordship, which encouraged the advocate, contrary to his usual habit, to conclude with some expressions of menace and bravado. Law having replied to these with great spirit and effect, thus concluded :

" ' Perhaps, gentlemen, I may without arrogance assume that I have successfully disposed of the observations of my learned friend, and that the strong case I made for my client remains unimpeached. Still my experience in this Court renders me fearful of the result. I dread a power with which I am not at liberty to combat. When I have finished, the summing up is to follow.' "

" Looking at Erskine he exclaimed,

—— " ' Non me tua fervida terrent
Dicta ferox—' "

He then made a bow to the Chief Justice, and as he sat down he added in a low, solemn tone,

—— " ' Di me terrent et JUPITER HOSTIS.' "

Lord Kenyon, thinking that the quotation must be apologetical and complimentary, bowed again and summed up impartially. When it was explained to him, his resentment was very bitter, and to his dying day he hated Law. But henceforth he stood in awe of him, and treated him more courteously."—Vol. III. pp. 132-4.

Law began life as a whig, but he found it convenient gradually to change his politics, and ended by becoming a thorough-going tory. In 1801 Mr. Addington appointed him Attorney-General, and in the following year, on Lord Kenyon's death, he succeeded to the Chief-Justiceship, with a peerage, selecting as his title the name of a small estate, which is said to have been in his mother's family from the reign of Henry II.

The narrowness of our limits precludes the possibility of our referring even in summary to the many important legal questions in which the judgments of Lord Ellenborough have made law in England. Still less can we enter into the particulars of his political career. But there is one point in reference to which Lord Campbell expresses himself so remarkably that we cannot pass it by.

"The only other considerable speech which he made before Mr. Pitt's death was against Lord Grenville's motion for a committee on the Catholic Petition, when he so violently opposed any further

concession to the Roman Catholics, that the public were much surprised to find him sitting, soon after, in the same Cabinet with Lord Grenville and Charles Fox. We cannot be surprised that this Cabinet was so short-lived, although it contained 'all the talents' of the country. *Lord Ellenborough very sensibly and forcibly pointed out on this occasion the inconvenience arising from giving power to religionists owning the supremacy of a foreign pontiff*; but he caused a smile when, in describing the danger of the Pope again subjecting Great Britain to his sway, he quoted the lines—

“*Jam tenet Italiam, tamen ultra pergere tendit
Actum inquit nihil est, nisi Pœno milite portas
Frangimus et media vexillum pono suburra.*”—pp, 176-7.

And in a note his Lordship adds:—

“This appears *much less absurd now*, after Pío Nono's creation of the archbishopric of Westminster, and his partition of all England into Roman Catholic sees.—*September, 1855.*” p. 177.

The sentiments which Lord Campbell here avows, supply a very significant illustration of certain proceedings in the Court of Queen's Bench, since the year 1849, on which we do not venture to offer any commentary. But should Lord Campbell hereafter meet, as Chief Justice, a biographer of a pen equally unsparing with his own, he must be prepared, we fear, for criticisms less flattering than those with which he has visited the judicial conduct of Kenyon or Law.

We must make room for a few of Lord Ellenborough's facetiæ, most of which are worth preserving. The following is not new.

“A young counsel who had the reputation of being a very impudent fellow, but whose memory failed him when beginning to recite a long speech which he had prepared, having uttered these words, —‘The *unfortunate client* who appears by me—the *unfortunate client* who appears by me—My Lord, my *unfortunate client*’—the Chief Justice interposed, and almost whispered in a soft and encouraging tone—‘You may go on Sir—so far the Court is quite with you.’”

* Few could act better than Lord Ellenborough the wag-gery here described.

“Mr. Preston, the famous conveyancer, who boasted that he had answered 50,000 cases, and drawn deeds which would go round the globe, if not sufficient to cover the whole of its surface, having come special from the Court of Chancery to the King's Bench to argue a case on the construction of a will, assumed that the Judges whom he addressed were ignorant of the first principles of real property,

and thus began his erudite harangue—"An estate in *fee simple*, my Lords, is the highest estate known to the law of England." 'Stay, stay,' said the Chief Justice, with consummate gravity, 'let me take that down.' He wrote and read slowly and emphatically, 'An estate—in fee simple—is—the highest estate—known to—the law of England:' adding, 'Sir, the Court is much indebted to you for the information.' There was only one person present who did not perceive the irony. That person having not yet exhausted the Year Books, when the shades of evening were closing upon him, applied to know when it would be their *Lordships' pleasure* to hear the remainder of his argument? *Lord Ellenborough.*—"Mr. Preston, we are bound to hear you out, and I hope we shall do so on Friday—but, alas! pleasure has been long out of the question."—Vol. iii. pp 237-8.

Of the same class are the following.

"James Allan Park, who had the character of being very sanctimonious, having in a trumpety cause affected great solemnity, and said several times in addressing the Jury, 'I call Heaven to witness—as God is my Judge,' &c.—at last Lord Ellenborough burst out—"Sir, I cannot allow the law to be thus violated in open Court. I must proceed to fine you for profane swearing—five shillings an oath.' The learned counsel, whose risibility was always excited by the jokes of a Chief Justice, is said to have joined in the laugh created by this pleasantry."....."A declamatory speaker (Randle Jackson, counsel for the E. I. Company), who despised all technicalities, and tried to storm the Court by the force of eloquence, was once, when uttering these words, 'In the book of nature, my Lords, it is written'—stopped by this question from the Chief Justice, 'Will you have the goodness to mention the *page*, Sir, if you please?'

"A question arose, whether, upon the true construction of certain tax acts, *mourning coaches* attending a funeral were subject to the post-horse duty? Mr. Gaselee, the counsel for the defendant, generally considered a dry special pleader, aiming for once at eloquence and pathos, observed, 'My Lords, it never could have been the intention of a Christian legislature to aggravate the grief felt by us in following to the grave the remains of our dearest relatives, by likewise imposing upon us the payment of the post-horse duty.' *Lord Ellenborough, C. J.*—"Mr. Gaselee, may there not be some danger in sailing up into these high sentimental latitudes?"....."A Quaker coming into the witness box at Guildhall without a broad brim or dittoes, and rather smartly dressed, the crier put the book into his hand and was about to administer the oath, when he required to be examined on his *affirmation*. Lord Ellenborough asking if he was really a Quaker, and being answered in the affirmative, exclaimed, 'Do you really mean to impose upon the Court by appearing here in the disguise of a reasonable being?'

"A witness dressed in a fantastical manner having given very rambling and discreditable evidence, was asked in cross-examination, 'What he was?' *Witness*.—'I employ myself as a surgeon.' *Lord Ellenborough, C. J.*—'But does any one else employ you as a surgeon?'....." Henry Hunt, the famous demagogue, having been brought up to receive sentence upon a conviction for holding a seditious meeting, began his address in mitigation of punishment, by complaining of certain persons who had accused him of 'stirring up the people by *dangerous eloquence*.' *Lord Ellenborough, C. J.* (in a very mild tone).—'My impartiality as a Judge calls upon me to say, Sir, that in accusing you of that they do you great injustice.'....." A very tedious Bishop having yawned during his own speech, Lord Ellenborough exclaimed, 'Come, come, the fellow shows some symptoms of taste, but this is encroaching on our province.'"—Vol. iii. pp. 239-41.

Lord Ellenborough died in 1818, leaving behind him a magnificent fortune. "From fees and offices the profits of which he was entitled to turn to his own use, he left above £240,000 to his family, besides the office of Chief Clerk of the King's Bench, commuted to his son for £7000. a year during life.

"Five sons and five daughters survived him. He bequeathed £2000. a-year to his widow, and £15,000 to each of his younger children."

Lord Campbell thus dramatically introduces the birth-place and origin of his successor:

"At the corner of a narrow street, opposite to the stately western portal of the Cathedral of Canterbury, stood a small house, presenting in front of it a long pole painted of several colours, with blocks in the window, some covered with wigs and some naked,—a sign over the door, bearing the words 'ABBOT, HAIRDRESSER,'—and on the sides of the door 'Shave for a penny—hair cut for twopence, and fashionably dressed on reasonable terms.' This shop was kept by a very decent, well-behaved man, much respected in his neighbourhood,—who had the honour to trim the whole Chapter and to cauliflower their wigs as they were successively in residence,—and who boasted that he had thrice prepared his Grace the Archbishop for his triennial charge to the clergy of the diocese. But he was not the pert, garrulous, bustling character which novelists who introduce heroes of the razor and scissors love to portray. He was depicted by one who had known him well for many years as 'a tall, erect, primitive-looking man, with a large pig-tail, which latterly assumed the aspect of a heavy brass knocker of a door.' From his clerical connection he had a profound veneration for the Church, which we shall see was inherited by his offspring. His wife, in her

humble sphere, was equally to be praised, and without neglecting her household affairs, she was seldom absent from the early service of the Cathedral.

"Struggling with poverty, their virtues was rewarded with a son, who thus modestly recorded their merits on his tomb,

"*'Patre vero prudente, matre pia ortus.'*"

This was Charles, their youngest child, the future Chief Justice of England, who was born on the 7th of October, 1762."—Vol. iii. pp. 249-50.

Young Abbot was sent to Canterbury school, where, according to the report of his friend and contemporary, Sir Egerton Brydges, he was distinguished by accuracy, steadiness, and equality of labour. He had a narrow escape, nevertheless, of being consigned for life to a very humble destiny.

"In his fourteenth year our hero ran a great peril, and met with a deep disappointment,—which may be considered the true cause of his subsequent elevation. The place of a singing-boy in the Cathedral becoming vacant, old Abbott started his son Charles as a candidate to fill it. The appointment would have secured to him a present subsistence, with the prospect of rising to £70 a-year, which he and his family considered a wealthy independence for him. His father's popularity among the members of the Chapter was so great that his success was deemed certain, but from the huskiness of his voice objections were made to him, and another boy was preferred, who grew old enjoying the stipend which young Abbott had early counted upon. Mr. Justice Richardson, the distinguished Judge, used to relate that going the Home Circuit with Lord Tenterden, they visited the Cathedral at Canterbury together, when the Chief Justice, pointing to a singing man in the choir, said, 'Behold, brother Richardson, that is the only human being I ever envied: when at school in this town we were candidates together for a chorister's place; he obtained it; and if I had gained my wish, he might have been accompanying you as Chief Justice, and pointing me out as his old schoolfellow, the singing man.'—Vol. iii. p. 252.

—Through the kindness of the clergy of Canterbury, who felt much interest in him on his father's account and his own, he was sent to Oxford, where he won a scholarship in Corpus in 1781. After a course of much distinction, but of great pecuniary difficulties, he was admitted a student of the Middle Temple in 1787: and having practised as a pleader for seven years, at the end of which he was realizing a large income, he was called to the bar in 1796. He

was very successful on his Circuit, and a book on "Merchant Ships and Seamen," which he published in 1802, established him in the London Courts. But his supremacy was not of an ambitious kind.

"I believe that he never addressed a jury in London in the whole course of his life. On the circuit he was now and then forced into the lead in spite of himself, from all the silk gowns being retained on the other side,—and on these occasions he did show the most marvellous inaptitude for the functions of an advocate, and almost always lost the verdict. This partly arose from his power of discrimination and soundness of understanding, which, enabling him to see the real merits of the cause on both sides, afterwards fitted him so well for being a Judge. I remember a Serjeant-at-law having brilliant success at the bar from always sincerely believing that his client was entitled to succeed, although, when a Chief Justice, he proved without any exception, and beyond all comparison, the most indifferent Judge who had appeared in Westminster Hall in my time. Poor Abbott could not struggle with facts which were decisive against him, and if a well-founded legal objection was taken, recollecting the authorities on which it rested, he betrayed to the presiding Judge a consciousness that it was fatal. His physical defects were considerable, for he had a husky voice, a leaden eye, and an unmeaning countenance. Nor did he ever make us think only of his intellectual powers by any flight of imagination or ebullition of humour, or stroke of sarcasm. But that to which I chiefly ascribe his failure was a want of boldness, arising from the recollection of his origin and his early occupations. 'He showed his blood.' Erskine undoubtedly derived great advantage from recollecting that he was known to be the son of an Earl, descended from a royal stock. Johnson accounts for Lord Chatham's overpowering vehemence of manner from his having carried a pair of colours as a cornet of horse. Whether Abbott continued to think of the razor-case and pewter basin I know not; but certain it is there was a most unbecoming humility and self-abasement in his manner, which inclined people to value him as he seemed inclined to value himself. Called upon to move in his turn when sitting in court in term time, he always prefaced his motion with 'I humbly thank your Lordship.' I remember once when he began by making an abject apology for the liberty he was taking in contending that Lord Ellenborough had laid down some bad law at nisi prius, he was thus contemptuously reprimanded:—'Proceed, Mr. Abbott, proceed; it is your right and your duty to argue that I misdirected the jury, if you think so.'"—Vol. iii. pp. 276-77.

Accordingly, Abbot never entered parliament, and even his promotion to the Chief Justice's Bench was almost a

accident. In 1818 he was appointed to a puisne Judgeship of Common Pleas, from which he was quickly translated to that of King's Bench; and it is highly probable that he would have remained a puisne for life, had it not been that at the moment of Lord Ellenborough's death in 1818, the lawyer entitled to the office, Sir Samuel Shepherd, the Attorney-General, was incapacitated by great deafness from undertaking any office which required him to listen to parol evidence, or to *viva voce* discussion. The lot, therefore, fell on Abbott, but without the usual accompaniment of a peerage, which he did not receive till the accession of Canning to office in 1827.

Lord Tenterden's opposition, in his place in the House of Lords, to the Catholic Relief Bill, affords his biographer another opportunity of displaying his ill-natured and silly bigotry. "He declares that he heard Lord Tenterden *without any diminution of respect*, oppose the Catholic Relief Bill, which, though a necessary, *was a perilous measure, the ominous prophecies* about which have certainly received some verification by subsequent Papal aggression." (p. 323.) It is plain that if it rested with his Lordship, we might reckon on a repeal of that perilous though necessary enactment.

Lord Tenterden's last appearance on the Bench was highly characteristic.

"However, his mental faculties remained wholly unimpaired; and he was determined 'to die, like a camel in the wilderness, with his burden on his back.' An important Government prosecution, in which I was counsel—*The King, v. Mayor of Bristol*—was appointed to be tried at bar immediately before Michaelmas Term. This excited prodigious interest, as it arose out of the Reform-Bill riots at Bristol, in which a considerable part of the city was laid in ashes. The Chief Justice appeared on the Bench with the other Judges, and continued to preside during the first two days of the trial. I recollect one characteristic sally from him, indicating his mortal dislike of long examinations. Mr. Shepherd, the junior counsel for the Crown, having asked how many horses were drawing a messenger's postchaise sent in quest of the mayor, and being answered 'four,' Lord Tenterden sarcastically exclaimed in a hollow voice, 'and now, Sir, I suppose you will next get out from your witness *what was the colour of the post-boys' jackets*.' But his bodily health was evidently sinking. When he went home in the evening of the second day of the trial he had no appetite for the dinner prepared for him, and he fancied that fresh oysters would do him good. He ate some; but they disagreed with him, and an access of fever

upervening, he was put to bed, from which he never rose. Although attended by Sir Henry Halford, Dr. Holland, and Sir Benjamin Brodie, his disease baffled all their skill. He became delirious and talked very incoherently. Afterwards he seemed to recover his composure, and, raising his head from his pillow, he was heard to say in a slow and solemn tone, as when he used to conclude his summing-up in cases of great importance, 'And now, gentlemen of the jury, you will consider of your verdict.' These were his last words: when he had uttered them, his head sank down, and in a few moments he expired without a groan."—Vol. iii. pp. 334-5.

We must here take leave of Lord Campbell's "Chief Justices." Perhaps we may return to a general consideration of his Lordship's merits as a legal biographer.

ART. V.—1. *A Complete Report of the Trial of Miss Madeleine Smith, for the alleged poisoning of Pierre Emile L'Angelier*; revised and corrected by John Morison, Esq., Advocate. Edinburgh: W. Munro, 1857.

2. *The Saturday Review*. London, July, 11, 1857.

3. *The Press*. London, July 11, 1857.

4. *The Jurist*. London, July 18, 1857.

5. *The Lancet*. London, July 18, 1857.

6. *The Weekly Register*. London, July 18, 1857.

7. *The Law Times*. London, July 11, 1857.

8. *The Leader*. London, July 11, 1857.

THERE can be no doubt as to the source and cause of the intense interest excited by the case of Madeleine Smith. It was startling to hear of such crime charged on one so young, while yet in the bosom of a religious and respectable family. It must have been like an electric shock to the good people of Glasgow, when they heard that the daughter of one of their most respected townsmen, a girl young and gentle, fresh from school, and not only accomplished, but, according to the prevalent system, reli-

giously educated, was apprehended on a charge of murdering her lover! Here all the circumstances of youth, sex, station, and education, *seemed* to show the crime impossible. Whether she was guilty of that crime we have no right now to discuss. Our contemporary, the *Law Times*, had a very excellent article on that point. And another observed, "The wisest among us cannot conscientiously assure himself that he knows the truth." The *Press* truly said, "The mystery is unsolved, but enough is known of the unhappy case to invest it with a degree of painful interest for *all time to come*."

The language of our contemporaries clearly shows that the source of all this interest is not merely the obscurity of the case as regards the facts, but the moral mystery it involves. Thus—

"In an age remarkable for *causes celebres*," (wrote an able contemporary,) "the trial of Madeleine Smith stands out unrivalled in the depth and variety of its interest. For eight days the attention of the whole people has been fixed on a tale of passion and mystery by which the imagination of the writers of romance is eclipsed. Guilty love, incredible hardihood, mental suffering, not the less touching to the sympathy because not undeserved, and something more than a suspicion of appalling crime, form the atmosphere suddenly surrounding a young girl, snatched, as it were, at random from the companionship of thousands of her age and fortune among whom she moved unnoticed a few weeks ago. Undoubtedly, this is a story which no thoughtful man can lightly examine or easily forget. It is not our business to point out its moral in the common acceptance of the phrase. The terrible lesson which it bears for all who are tempted by human weaknesses is too clear to require to be indicated, and even statesmen and philosophers need not scorn to learn something from the discovery that such unsuspected dramas as this may underlie the calm and decorous aspect of society."

Aye! but there is something of still deeper interest. We shall see what led to the drama. Another contemporary, the *Guardian*, observed:—

"If the accused were guilty, how horrible the combination of ungoverned passion with perfect self-control, and how frightful the outburst of this deep, deadly wickedness, after a life which up to this time may be taken to be just such a life, neither better nor worse, as many another woman among the 'respectable classes' may be supposed to be leading!"

And our able contemporary, the *Spectator*, truly observed :—

"Most certainly the discovery that such a character existed in a quiet Glasgow house is likely to have occasioned as much amazement under the roof of that home, as it has in the High Court of Justiciary, or on the south of the Tweed."

The *Spectator* added :—

"It seems scarcely possible that a class of characters should come into existence, and be multiplied, except by favour of *ignorance*; and ignorance probably kept up by some of those social customs which in the most 'regular' of families, maintain distance between parent and child, convert the parental relation into one of practically very slight acquaintance, and teach the inexperienced to find companions amid the servants down stairs or the casual acquaintance of the street. The disclosure of such cases may be an incitement to supersede more painful trials by a better reciprocal knowledge in the home."

These are moral reflections upon the case, which, when even *Protestants* suggest them, a *Catholic* mind will be able to *pursue*, and which will lead to a painful sense of the state of society around us.

It is manifest that when such reflections suggest themselves even to the minds of *Protestants*, the moral interest of the case is permanent. So deep is its moral interest, that the most thoughtful of our contemporaries have been struck by it. Thus the *Saturday Review* wrote :—

"Envy leads many a man to murder his rival; jealousy leads many a woman to murder her lover, even in the very frenzy of passion—cold-blooded ambition and interest prompt to murder, in order to get rid of an inconvenient obstacle to respectability and a fair standing with the world—but, on the hypothesis of Madeleine Smith's guilt, we have each and all, and yet none of them, as adequate motives."

Our contemporary went on to advert to the common theory as to the *motive* of the crime, the desire to avoid exposure, and observed how murder would necessitate exposure. And then he proceeded :—

"But if our view is to be supported, is it *not* fear of detection which would operate either way. It is simple, naked vengeance—the solitary purpose to destroy an object of hatred—which would overrule a woman in such a case. It is not that she either thinks or cares for herself, so that she can but punish one against whom a whole hell of hatred is stirred up."

So here, in order if possible to solve the moral mystery, a 'most reflective journal suggests a new theory of motive. But then the *Saturday Review* said, and said truly,—

"There are thousands who have fallen into the sin of this miserable pair. In all sorts of society, and among the most refined of our social respectabilities, as well as in the experience of our village poor, that particular frailty is—can we venture to deny it?—far from uncommon. How stands the warning? It may have reduced Madeleine Smith—the burning, passionate Juliet of decent society, fresh from the school-room, and in the very heart of all the domestic sanctities—to the murderess of L'Angelier. It must have reduced her to that profligate abasement of character which anyhow is a world's wonder. It must have produced that degradation which, without a blush, could write the letters to L'Angelier, and which would have entered Minnoch's house and home as a bride. It may have brought L'Angelier to his doom from the hands of his paramour—it must have brought him to a dog's death, either at his own hands or at those of somebody whom he had somehow foully wronged. And the simple fact that we have our desperate choice in this alternative of horrors, only shows *what may be going on in the inmost core of all that is apparently pure and respectable.*"

No doubt. And there, in our view, is the deep, the important, the *permanent* interest of the case. It illustrates the conventional morality of Scotland. It also illustrates Scottish Jurisprudence

The question is suggested by the *Review*, "How could such a crime, with such antecedents, be going on in the inmost core of all that is apparently pure and respectable?" But what was going on there? Let us see. A "strictly moral and religious man," according to the Calvinistic standard, as testified by one herself holding that character, and who was her *confidante*, stole like a thief into an honest man's house, by the aid of his servants, seduced his daughter, and the result was her trial for his murder. We simply state the sworn evidence and the known result.

Look at the very outset of the sad story. It all arose from a clandestine correspondence. Who were privy to it? There were two parties at first implicated, Madeleine and L'Angelier, and soon after a third, Miss Perry, all three, according to the custom of the country, *religious*. They were all Presbyterians, that is, the form of their religion was the prevailing religion of Scotland, the form most antagonistic to Catholicism, viz., Calvinism, which affects peculiar rigidity of morality. Now mark what takes place.

Miss Perry had known L'Angelier some time before he was acquainted with Miss Smith. She says, "I became acquainted with her about 1853, we both attended the same chapel." (We presume that she meant that this was the cause of their acquaintance.) "About the spring of 1855 I came to know him intimately; the intimacy went on gradually." "I thought him a strictly moral and religious man. He was a regular attendant at church." (This is evidently what she meant by "strictly moral and religious.") "He was in the habit of writing to me for two years; latterly we addressed each other by our Christian names. In the early part of the summer of 1855 he told me he was engaged to Miss Smith, and I was from that time forward aware of his attachment and correspondence. In August 1855 I was introduced to Miss Smith; he brought her to call on me. I was aware that the correspondence was clandestine. I knew that the intimacy was disapproved of by the family, and that the engagement was broken off at one time. I never knew that her father or mother had abated their dislike of the intimacy. I knew that they met clandestinely."

It will be observed Miss Perry said she was aware in August that the correspondence had been broken off. It was broken off by Madeleine herself in April, who seems at that time to have had a better notion of morality than the "strictly moral and religious" man, who was seeking to seduce her, or his respectable friend and *confidante*; for she wrote, on 18th April, to L'Angelier, thus:—

"I think you will agree with me in what I intend proposing, viz., that for the present the correspondence *had better stop*."

Now there was another letter put in, next in order, and which, though without date, must clearly have been written about the same time. It was from Miss Smith to Miss Perry.

"Dearest Miss Perry,

"Many thanks for all your kindnesses to me. Emile will tell you I have bid him adieu. Papa would not give his consent, so I am in duty bound to obey him. You have been a friend to him—continue so. Think not my conduct unkind. I have a kind father to please."

Poor girl! would to heaven she had preserved those sentiments! From what an abyss of shame and sin would

she not have been saved by the simple course of *filial obedience*. But now mark. Passing by the circumstance that it would seem from Madeleine's note of April that she must have been known to Miss Perry *then*, for she speaks of "kindnesses" received; it appears plain that if those "kindnesses" were not of personal acquaintance, they were *facilities* for the interviews or correspondence of the lovers. But at all events one thing is patent, that about the time Miss Perry says that Miss Smith was brought to her residence, the clandestine correspondence between the lovers, which was so soon to ripen into a guilty intercourse, recommenced. For Miss Perry said that Madeleine came to her lodgings in August, and the first letter put in evidence which was written after Madeleine had broken off the correspondence, was dated September 4th. It is impossible not to connect the personal acquaintance with Miss Perry and the recommencement of that unhappy correspondence, and Miss Perry feeling that, averred that she deemed L'Angelier to be a "strictly moral and religious man," although she was aware "of the progress of his attachment." It is clear she was aware of his secret assignations with the girl at her father's house at night, for she herself came into the witness-box to swear so. In December 1855 Madeleine had commenced these clandestine interviews, for she says, "I pitied you standing in the cold last night." And in the same letter she says, "How kind of Mary (Miss Perry) to take any trouble with us." It is plain she was receiving "kindnesses" from Miss Perry, who knew the secrecy of the correspondence, but thought no harm of it, "for L'Angelier was a strictly moral and religious man." Well, if *she* thought no harm of it, perhaps Madeleine may have been led to a similar view of it. It is obvious that *something* had served to ease her scruples. In April she saw the sin of filial disobedience in the secret correspondence. Now she went on, under the auspices of religious Miss Perry, in clandestine intimacy with her "strictly moral and religious friend." Miss Perry thought there was no harm in secret visits to a young girl at the dead of the night. Alas! they *led* to harm! In May next year Madeleine was ruined, a thing of sin and shame, given over to the tempter, with darkened conscience and a mind depraved! Just a year after she had broken off her correspondence with her lover, from a sense of its impropriety: Scarce half-a-year after she had

been misled into renewing it. Alas! great harm came of her secret correspondence with the "strictly moral and religious man," who went to the same chapel with Miss Perry, and "went to church regularly." Would this harm have come of it had Miss Perry warned the poor foolish girl that it was wrong, and that she had better not depart from her first virtuous resolution to discontinue it? Did she tell the girl so? She did not venture to say so. It is true that she said, "I wrote on one occasion to Miss Smith advising her to mention it to her parents." That occasion may have been, and in all probability was, the one alluded to by Madeleine in her letter to L'Angelier of Nov. 30, 1856, in which she said—

"I was sorry I said anything about Mary. I was vexed she said she would not write to me. She had written me all along, *knowing that M. (Mamma) did not know*, so I thought it *peculiar* that she should drop writing *without some other excuse*."

Evidently coolness had arisen between them at the end of November, 1856. But it was *too late*. The mischief had been done in September, 1855, when the poor girl recommenced her clandestine intercourse with the "strictly moral and religious" friend of Miss Perry. The wretched girl had been ruined in April or May, 1856. The mischief was all done. The ruin certain to occur from secret nightly interviews with a man had occurred. What use was it *now* to quarrel with the wretched girl? Had she been *warned a-year ago*, all this ruin would have been avoided. In April, 1855, she had herself broken off the correspondence. It is plain that had any one in August warned her not to renew it, in all human probability she might not have done so. But Miss Perry says, speaking of the period subsequent, "I knew that they met clandestinely; I corresponded *with both* at the time." This confirms what Madeleine says in her letter of November, 1856. "She had written me all along, knowing that Mamma did not know." Now Madeleine was a girl under twenty, Miss Perry, we hear, is over thirty. She went to chapel regularly, as did L'Angelier, but she did not act under any religious principle sufficiently *vital* to lead her to warn the wretched girl from that abyss of ruin on the edge of which she saw her.

It is plain that Miss Perry was aware of their secret

interviews, for she came to swear that in February L'Angelier told her he was to see Miss Smith on a certain day, and that afterwards he said he had seen her, and that she had given him something to drink. It is manifest that (as the *Jurist* remarks) this was the most terrible piece of evidence against Madeleine; indeed, the only evidence which seemed to drive the dreadful charge *home* to her was the evidence of Miss Perry. It is charitable to think that this respectable lady must have given that evidence under an agonizing sense that she might, by warning the wretched girl against the revival of the correspondence, and threatening to reveal it if continued, have saved her from the shame and sin into which she had been plunged, and the crime of which she was accused! But then she would have offended her "strictly moral and religious" friend. That there was nothing in her conduct inconsistent with the conventional morality of Calvinistic Scotland may fairly be presumed, for this reason, that the Lord Justice Clerk, had only this remark to make upon it—that it was "sentimental."

There is something to observe upon the evidence of Miss Perry, something to which the *Herald* and the *Jurist* have both called attention, and which elicited from the court the gravest reprehension. It is this: that her evidence was "dressed up," and (to use the expression of the writer in the *Register*), "doctored," on the most vital (or rather the most fatal) point, that of *date*. She came to state that on the 17th February, 1857, L'Angelier told her he was to see Madeleine on the 19th, and that afterwards he told her that on the 19th he had been very ill. This was a most *damning piece* of evidence, and the gist was the *date*. Now observe. In her examination for the prosecution she said, "He did not say what day it was he had been ill, but from circumstances I knew it was the 19th." It was plain what those "circumstances" must have been, for she said, "He was to have seen her on the 19th." She also said, "He did not tell me he had seen her on the 19th."

It is tolerably plain that she was led to fancy it must have been on the 19th he said he was ill, because he was to have seen her on that day. Now it appeared L'Angelier on the 9th March told her he had been ill, and on her cross examination that she had first been examined for the prosecution on the 6th and 7th April, about a month

after the date of her conversation with L'Angelier. And on her cross-examination she said,

"I have said that circumstances enabled me to fix L'Angelier's illness for the 19th February. I did not recollect this when I was first examined: but it was suggested to me by the Fiscal's amanuensis. He said the 19th was the date of his (L'Angelier's) first illness, as stated in his pocket book."

Now the "suggestion," it turned out, was on the 4th June, two months after the first examination, when she did not recollect the date, and three months after the conversation with L'Angelier, in which he mentioned the illness. Nor is this all. She had been, it appeared, examined on the 23rd April, yet then she had not recollected that fatal date, the 19th. It was only on the 4th June, when the official suggested it to her, that she had fixed on it. It is not strange that the Court should have been struck with this. She stated, in answer to the Lord Justice Clerk, that the Sheriff was not present when the clerk of the procurator fiscal suggested it to her, upon which the Lord Justice Clerk said, "It turns out, then, that you were examined by the Procurator privately, with no sheriff present to restrain improper interference, and your recollection is corrected by the Procurator's clerk,—a pretty security for testimony brought out in this kind of way!"

But this is not all. The *Herald* and the *Jurist* draw attention to another view of the matter, bearing on a most important question, the *examination of the accused*.

Our readers are aware that by the English and Irish systems of criminal judicature, the accused is not examinable either before or after trial. In the Scotch system he is examinable before trial; in the French system he is examinable before and at the trial. Mr. Amos, in his able work on the "Constitution of England in the reign of Charles II.," shows that the practice was usual at that era of our history, in this country. We may add that it was usual, even for some time after the Revolution, and was made, as when Holt tried Ashton and Preston, the means of the grossest oppression. But at the present time even the *confession* of a prisoner is not receivable unless quite voluntary, and any attempt to *extort* it excludes it from the evidence. In Scotland, however, the accused is

examinable before committal, and the examination is evidence at the trial.

There are persons who, like Mr. Amos, are rather in favour of the practice, because they think it in favour equally of justice and innocence. In support of this view, they say that while guilt can hardly evade discovery, innocence is certain by its frankness and consistency to make itself manifest. But this overlooks the notorious fact that, under feeling of alarm, and apprehensive of the effect of any incautious admission, the accused person will very often, even if innocent, deny or misstate some circumstances, apparently suspicious, and will thus, if the falsehood is detected, strengthen the suspicion of guilt. There is, however, another view: that from any admissions made by the accused, at all pointing a suspicion, the agents for the prosecution may very easily, and innocently, be led to construct a theory of guilt, and then may inevitably be led to try to *shape* the evidence so as to make it *square* with their theory.

It is plain that this was the case with regard to the pocket-book of L'Angelier, and the evidence of Miss Perry. The official found a date in the pocket-book, and to give the evidence any force, it must square with that date. So he suggested it to the witness, and she made it square with it. No doubt the intentions of both were innocent with regard to the examination of the accused, but that not only shows the system to be vicious, and that our English principle is the safer. For see what took place.

The death was on the 23rd,—on the 31st Madeleine was examined, and on the 6th April, with this examination in their hands, the officials began to examine Miss Perry, the most important witness for the prosecution. Added to which, they had previously perused all the letters; in one of them, dated in November, 1856, Madeleine speaks of taking cocoa for her health, which showed that, at all events her own taking of cocoa was not originally resorted to as a blind for the administration of it to her lover. In a letter *undated*, but which it was *suggested*, was written in February, before the 19th, she wrote:

“You did look bad on Sunday and Monday. I think you got sick with walking home so late, and the long want of food, so the next time we meet I shall make you eat a loaf of bread before you

go out. I am looking so bad that I cannot sit up as I used, but I am taking some stuff to bring back the colour."

Now there was no *date* and no *postmark* to this letter. The case for the prosecution was, that it was written in February; why might it not have been written in November, seeing that there is a letter with the *November postmark*: in it she says, "I don't think I have taken breakfast for ten months; I don't think I can take meal (oatmeal). I shall rather take cocoa." May not this have been "the stuff she was taking?" But the prosecution desired to make out that the letter in which she spoke of "taking stuff," and "giving her lover a loaf," was in February. Well, on the 31st March, the accused was examined, and stated that she had not seen the deceased for three weeks. L'Angelier was unwell, and had gone to the Bridge of Allan. "I remember (this she said before being shown the letter referred to,) giving him cocoa from my window, one night some time ago, but cannot specify the time. He took the cup in his hand, and barely tasted it; I gave him no bread." Being shown the letter before referred to as undated, you did look bad on Sunday, &c., she said, "As I had attributed his sickness to want of food, I proposed as stated in the note, to give him a loaf of bread; but I said that merely in joke, and in point of fact I never gave him any bread." We need not remind our readers that she confessed the purchase of arsenic on three occasions. Now the officials had read, when they made their examination, the letters of the accused, while she could not of course exactly recollect every expression they contained, so they had enormous advantages. Moreover, they had her examination in their hands when they examined Miss Perry, and there arises the important observation made by the *Herald* and the *Jurist*, that it is very likely they who suggested to Miss Perry an important date, may have disclosed the fact that the accused had confessed the purchase of arsenic, and the administration of *cocoa* to the accused, in which case, when we remember, as the *Herald* observes, how quickly the mind and memory are visited by facts which are suggestive of suspicions, and work on the imagination, the value of her evidence is very materially affected. Yet, in the charge of the Lord Justice Clerk we find no trace of any attention to this most momentous consideration. The credi-

bility of Miss Perry was of the more importance, because most of her evidence partook of the worst character of hearsay, for it was her account of the conversations of a deceased person, offered in evidence of the truth of the facts he was represented by her to have stated, a species of evidence over which there is no check, there being no means of cross examination, *except* on the character and credibility of the witness, the very point on which the Scotch system, so different from the English or the Irish, excludes cross-examination. It would be in the power of a person in Miss Perry's position, to *make* any amount of evidence to suit the purpose of the case, and coin any declarations of the deceased in order to square with the theory of the prosecution, that theory itself being, perhaps as in this very case, based on admissions extracted from the prisoner in examination, and then possibly suggested to the witness. We by no means hint that Miss Perry was a person who would wilfully warp her evidence, but she might even unintentionally under such circumstances, and whether she would, or not be likely to do so, must depend upon her character, of which we know, and under the Scotch system, can know nothing, except that she was the *confidante* of the deceased in his clandestine correspondence, and yet considered him a "*strictly moral and religious person*."

Anyhow it is obvious that the case rested, as the *Jurist* observes, mainly on the evidence of Perry and Haggart, and any consideration tending to affect their character and credibility were of the most fearful moment, the more so as the counsel of the accused are not allowed in Scotland that latitude of cross-examination, or observation on character of witnesses, which, in Ireland and England are deemed so essential, and certainly have, on innumerable occasions, saved human life, destroyed an accusation and rescued a character. This Scotch system deprived the accused of this protection, and this made it the more important that the Court should, as far as possible, afford it, or at all events be fair. Now the Lord Justice Clerk made some strong observations upon the character of the accused. He especially, for example, noticed her first writing to him. He forgot to remark upon Miss Perry's encouragement of the correspondence, and he omitted to mention that Madeleine broke off the correspondence, and resumed it not until she became acquainted with Miss

Perry. But there are graver grounds for animadversion on the ideas of morality, which appear to pervade even a Scotch court of justice. The Lord Justice Clerk forgot to utter any censure on the conduct of Christina Haggart, who, not only in disobedience to her mistress had received letters for Madeleine from her seducer, but actually introduced him into the house at the dead of night, and allowed him to be with her an hour at a time. And this *after attending family prayers*. The Lord Chief Justice Clerk found no words of rebuke for this conduct, which was one of the main causes of the dreadful misery which had ensued,—on the contrary, he rather *jested* at it; and when the Dean asked, “You were desired by her mother not to receive letters from him; why did you do so?” and the woman hung her head for shame, and said nothing; the Lord Justice Clerk—grave and reverend judge—came to her rescue, and kindly suggested, “I suppose, as M’Kenzie was coming to visit you, you could not well refuse them for Miss Smith!” (a laugh.) Yes, “a laugh.” A laugh at the judicial jest (instead of the stern rebuke,) at the witness’ confession of connivance in the dishonour of her mistress’ daughter!

That the Lord Justice Clerk should have made no observations on the conduct of Miss Perry and Christina Haggart, in conniving at the entire correspondence, is the more remarkable, because, on their credibility and accuracy depended the entire case. The evidence of Miss Perry has been already adverted to. If it was not the most vital or fatal evidence in the case, the only evidence which was more so was that of Christina Haggart. For hers was the only evidence that L’Angelier had ever been in the house at *Blythswood Square*. Most persons have imagined that all the evidence as to access and nightly entrances related to that house. On the contrary, it all referred to the house in India Street, or, especially, to the house at Row. The first acquaintance with L’Angelier was at India Street, and there the seduction commenced. It was carried on at the country house at Row, whither the family went, in April or May, 1856, and where they remained until the middle of November. The first letter of the prisoner from Blythswood Square, was on the 18th November. The poisonings were supposed to have taken place *there*, and for that purpose it was essential to show that L’Angelier had access to that house as well as to the

others. It would not necessarily follow that he had, for many reasons: the collocation of the rooms was different; the parents were always at home that winter; the house was *next door to that of Mr. Minnoch*, who was then courting Madeleine, and it was in a conspicuous position. But the case for the prosecution required that it should be shown that L'Angelier had access and entrance into that house, and that intercourse took place in it.

Now, this being so, it was on the one hand essential to the case that the deceased should be shown to have had access and entrance into the Blythwood-square house, and the letters failed to show it, (except in the one instance we shall notice,) and rather tended to the opposite inference, and all the moral probabilities tended to support the opposite inference, and the case for the prosecution somewhat confirmed it; for the girl had already satiated a guilty passion, and was receiving the addresses of Minnoch, and it was the case for the prosecution that she wanted to break off connection with L'Angelier; the only evidence that he ever had access to the house in Blythwood-square, was the evidence of Haggart; who said she had introduced him into it, at Madeleine's request, one night, between one and two months, before she was apprehended, i.e. before the 31st March. That would be about the middle of February, the time when she had written to L'Angelier those agonizing appeals for the return of her letters, making an appointment in these terms:

"I will take you in within the door. The area gate will be open. I shall see you from my window at 12 o'clock."

That was very near, just before the 14th February; for on the 11th she wrote the last of those terrible letters, and on the 14th she wrote quietly, in a tone which showed that there had been at least one interview, though that might have been at a window, and some reconciliation. Now observe, she said, "The gate will be open." And Haggart said, "She asked me to open the gate," and the witness, on that occasion, let L'Angelier in. Now, assuming that this was the interview for which Madeleine made the appointment in her letter just before the 14th Feb., it comes to nothing, for many reasons: first, because the girl was in an agony of alarm, which would have driven her to anything, and her having L'Angelier into the house under

that pressure went no way at all towards proving that he had access to the house at other times ; next, because for the purpose of that interview, two things had been deemed requisite,—previous appointment and agreement, and the agency of Haggart. And above all, because the accused had no poison until sometime *after*, nearer to the end of February, the 21st being the date of the first purchase. But if they were *different* interviews—the one of which Haggart spoke, and the one for which an appointment was made—then how much must depend on the evidence of Haggart ! Now, in this country we are confident that any judge would have pointed out how much depended on the credibility of Haggart and Miss Perry, and would have expressed his opinion as to the extent to which what they confessed to have been their conduct, tended to affect their credibility. More especially as to Haggart, we are certain that any English or Irish Judge, would have made some strong observations as to the conduct which she acknowledged, more especially when it transpired that (like Miss Perry,) Haggart had quarrelled with the accused. Instead of this, all that the Lord Justice Clerk remarked on her evidence, when she had given it, was to *jest* upon it, and when he came to sum up, he simply said : “ If you believe Haggart at all, he did enter the house at Blythwood Square, and was with her a whole hour on one occasion.”

But in any view, as the evidence of Haggart was most material, and as the Lord Justice Clerk deemed it right *to tell the jury that they might think it probable that* Madeleine would commit murder, because she had been proved to have been licentious, (a moral mistake, which the *Jurist* points out,) surely it would have been but fair to remark, that the evidence of Haggart was equally open to the observation, that it was the evidence of a person who had lent herself to facilitate this licentiousness, and helped to introduce into her master's house, at the dead of night, the miscreant who came to debauch and ruin her master's daughter ! But neither on Haggart's conduct nor Miss Perry's, had the Lord Justice Clerk anything to *say* ; indeed, as to Haggart's, he seems rather to have liked it, for he passed a good humoured jest upon it, “ You could not help it,” said the Lord Justice Clerk. And doubtless it was said with a leer, for the people *laughed* ! Oh, it was no *laughing* matter, to that heart-stricken

mother and father, who were waiting for the doom of their wretched, ruined daughter! The Lord Justice Clerk covered her with obloquy and opprobrium for her licentiousness, but said not a word as to those who facilitated it, not a word as to Miss Perry, who was the *confidante* of her "strictly moral and religious friend," the seducer; except that it "showed some sentimentality:"—(*sentimentality* forsooth!) not a word, except of jesting approval, as to Haggart, who got up from her knees at family prayers to let in the unscrupulous adventurer who was ruining her young mistress. Well may the *Jurist* express indignation at the conduct of the Lord Justice Clerk, and stigmatize it as unfair.

The whole catastrophe, upon the theory of guilt, arises out of this clandestine correspondence. All our contemporaries could perceive this. Thus one of them (*The Lancet*) observed:

"The revelations made during the ten days' trial were truly startling. This girl,—handsome, accomplished, and moving in good society,—after leaving her fashionable boarding-school, came home to Glasgow, and there, under the eyes of her parents,—religious and respectable folks,—entered into *clandestine correspondence* with a miserable little fop, and to whom she had been surreptitiously introduced; continued to receive his advances in opposition to her parents' commands, and allowed him to seduce her."

Our shrewd and sensible contemporary saw clearly that the clandestine correspondence was the cause of all the mischief. So another remarked,

"The case of Miss Smith, as disclosed at her trial, and other cases of similar character, convey a lesson which the young of both sexes ought to lay thoughtfully to heart. When women, confident of their own virtue and their lover's honour and excellence, habitually, from any cause, grant clandestine interviews at unseasonable hours, and in questionable places, they enter upon fearful perils. If one fall occurs, it leads to another and another. Through errors which at first, perhaps, could not be called by harsher terms than levity and indiscretion, Miss Smith entered upon a career which has destroyed the happiness of her family, deprived her of reputation, and subjected her to the charge of having perpetrated a foul murder. Others of her sex have proceeded from similar beginnings to worse ends. It is duty to avoid even the appearance of evil. Opportunity of evil is far more easily avoided than controlled:—

"Accursed opportunity!
That works our thoughts into desires; desires
To resolutions: those being ripe and quickened
Thou giv'st them birth, and bring'st them forth to action."

All this is very plain, but it is strange that it occurred to none of our contemporaries, any more than to the court, to censure those who connived at the clandestine correspondence, to which they ascribe the whole evil. Calvinistic preaching did not teach Miss Perry to stop the clandestine correspondence, nor prevent her from thinking L'Angelier a strictly moral and religious man, though she knew he was carrying it on. And so as to others of the friends of L'Angelier, who were present at the trial. The point is not merely that he did what was wrong, professing to be religious, but that they thought him none the less, on that account, a strictly moral and religious man, and that the Court, composed of Calvinistic Judges, seemed to see nothing for animadversion in all this, and so far as we can see, recognized in it nothing inconsistent with the rigid religious professions of Presbyterianism.

The root of the whole evil, then, was the clandestine correspondence—that correspondence which the girl herself broke off for some months, and was induced to resume it mainly by the connivance of these two women. Surely the moral lesson to be learnt from this is not merely the evil of such clandestine correspondence, but the mischief of any connivance at all on the part of those who are "respectable." It is the sanction which respectable and religious people appear to give to what is wrong, which leads to much of the evil in the world. This was the great moral lesson of the case. And yet all our contemporaries have missed it. No marvel, for the court failed to remark it. And eager to heap obloquy on the wretched girl, whose life was trembling in the balance, the court forgot to hold up to reprobation the want of correct moral principle on the part of others, which had been the original cause of her being what she was.

The clandestine correspondence and the secret interviews led to seduction, of which the letters were the only evidence. The Lord Advocate attributed her murder of L'Angelier to her desire to prevent his exposure of her. His only means of exposing her lay in her letters. His bare word would never have been believed. The natural

inference from this would have been, surely, that to get hold of the letters would be to get rid of him; and therefore, that her object would be to get hold of the letters.

And that was part of the theory of the prosecution. But then the other part of the theory was, that she thought the best way to get hold of the letters was to kill him. There no doubt is some difficulty in this theory, for there is an inconsistency in it which many of our contemporaries have *perceived and pointed out; for instance, the Globe, the Herald, the Saturday Review, the Press, and the Jurist*; with some of the Scotch papers. For to kill L'Angelier, would not be to get hold of the letters, and, therefore, it would not get rid of him.

The *Press*, wrote thus—

“According to the theory of the prosecution, it was the obstinacy upon the part of L'Angelier to give up the letters, which led to his murder. It was necessary for Madeleine Smith to get rid of him in order that she might marry his rival. But to this theory there occurs a very grave objection. The great object of Miss Smith in the latter months of their correspondence, was to get back her letters, for she well knew that their publication would be fatal to her reputation. Could she hope to attain this object simply by making away with her lover? Clearly not. Nay, on the contrary, she must have known that in the event of his sudden death the fatal letters were morally certain to come to light. The motive suggested by the prosecution is thus weakened in a material point, which, we doubt not, had its weight with the jury in inducing them to pronounce a verdict of acquittal.”

The *Saturday Review* seeing this, (and even the court could not help allowing its force,) adopted an entirely different and indeed inconsistent theory; for interest and revenge are two feelings utterly opposite. It adopted the theory of hated and revenge, and discarded the idea of interest.

“The Dean or Faculty observed strongly and skilfully on the improbability of this burning, passionate, guilty girl being suddenly transformed into a savage, cold, deliberate murderess. This was the main moral argument for the defence. If anything, however, could account for this, we think it is to be found in L'Angelier's character; and how far this leads to a presumption of guilt or innocence, is a question of moral evidence. As such only we treat it; and we say that what he was proved to be would go far to solve the moral difficulty urged in the prisoner's defence. His was just the sort of mind to work this horrible change in Madeleine Smith.

A meaner and more contemptible scoundrel it would be difficult to conceive; and probably his low selfish character prompted that sort of unhappy popular sympathy with Madeleine Smith which seems to prevail, at any rate in Edinburgh. A profligate, vain, adventurer, boasting, as it seems, of his *bonnes fortunes*, and trafficking with this *liaison*, as perhaps with others, as a means of advancement—this is what L'Angelier was. If he really meant seriously to marry, what obstacle was there, except on his own side, to the talked-of elopement? We do believe that, as a further knowledge of L'Angelier's miserable character broke upon Madeleine Smith, the insight into the man who could hold this girl's shame over her, and who could resist the terrific pathos of her shuddering, shivering appeals for mercy—appeals unequalled in the whole range of tragic vehemence—may account for this moral change. The deep fountains of her passion were, on discovering her paramour's character, frozen up. She found that she had ventured everything upon an unworthy object, and the very depth of her love was changed, on the complete and perfect sense of utter loss, into the corresponding depth of hatred."

All this however, was inconsistent with the evidence, for which reason doubtless, it was discarded by the prosecution; every fact in the case showing that what the girl wanted was to get rid of her *letters* not of her lover; unless the getting rid of her lover would have got rid of the letters.

Although, however, the most thoughtful of our contemporaries rejects the whole theory of the prosecution on account of its inconsistency and difficulty, yet even assuming that it was not so self-destructive as it appears to many—indeed most of our contemporaries—did it *require the production of all the correspondence that was put in?* Was it necessary to heap upon the prisoner such a load of obloquy;—and, if not necessary, was it just?—Was it necessary to pollute a court of justice with such disclosures, and expose the public mind to such pollution, and if not necessary, was it not infamous to do so? These are weighty questions, which the Lord Advocate has been asked in Scotland by one or two respectable journals—but in England not by one. It is probable that most of our contemporaries have not observed the irrelevancy of the letters characterized by indecency.*

* At the same time we may observe (and it is well, for the honor of the sex to do so), that the indecency of the letters was exaggerated. Prurient imaginations have supposed that whenever *asterisks*

They were written from Row, in the summer of 1856. In the winter of 1856, Mr. Minnoch was paying his addresses to Madeleine, and at that time the intimacy with L'Angelier had begun to wane. They continued to correspond, but do not appear from the letters to have met. Almost every one of her letters mentioned her having been with Mr. Minnoch to concert or to ball; and contained some excuse for not seeing L'Angelier. Thus, on the 8th December,—“Emile, I don't see when we are to have a chance.” December 17th,—“I don't see how we can; M. is not going from home, and when P. is away Janet does not sleep with her.” January 9th,—“I think I heard your tap last night; pray do not make any sounds at my window.” January 11th,—“Disappointed at having no letter.” January 21st,—“I cannot see you on Thursday as I hoped.” January 23rd,—“Sorry that I could not see you to-night.” On the 28th of January, she was engaged to Mr. Minnoch. Then at the beginning of February, probably the 5th, she has a letter of hers returned to her—writes in a rage and requires the return of her letters. On the 9th, she receives some letter of his refusing to return them, and threatening to disclose their intimacy to her father. On the 10th, she wrote the first

were inserted, the passage was unfit for publication: but it was agreed between counsel, that when possible, passages containing allusions to other persons should be omitted. The tone of exaggeration adopted upon this point was very absurd; as if criminal intercourse could take place (especially under the circumstances) without a great degradation of the moral tone, and an obliteration of feelings of modesty or shame. Yet the Scottish censors in and out of court—and the English ones too—seem to think that it *could*; another false notion, illustrating the utter unsoundness of the conventional morality of the age. There were just those allusions in Madeleine's letters which were natural to occur between parties living in sin; neither less nor more. Could any one have expected less? And was it not a piece of cruelty and hypocrisy to represent this as a peculiar aggravation of sin in her case, instead of its natural result? The notion that the crown withheld any indecencies we believe quite unfounded, and to have been most ungenerously circulated. On the contrary, one charge against the crown officials is that they wantonly and uselessly published the indecencies which they did disclose: and it is not likely that men who so acted would withhold anything.

of those two terrible letters which no one who has read will ever forget.

The Lord Advocate himself must have felt this, for in his powerful speech he says, speaking of these two letters :

"The appointment stood for the 12th,—on Monday the 9th she wrote the letter imploring him not to put her to open shame. We have thus traced the matter to the point at which she could not extricate herself, and yet at which, if not extricated, she is lost for ever. Another letter followed in the same imploring strain, and confessing that she had 'put upon paper what she ought not.' It was time, poor creature. I cannot see in this sad history the gradual downward progress of an ill-regulated mind without the most deep compassion ; nor will I deny that L'Angelier had abused his opportunities in an unmanly and dishonourable way. I have never had to bring before any audience the outpourings of such a despairing spirit as those of this miserable girl ; but the jury, though unable to restrain their compassion, must not let their judgments be influenced."

Now here the Lord Advocate places the whole force of his argument, as to motive, on those two letters. And well he might. They contain such expressions as these, "Oh do not send Papa the letters! Do not bring me to open shame! It will kill my mother. It will ruin me to death. I will leave the house. I will die! God knows what I have suffered! My punishment is more than I can bear! My father's wrath will kill me! I put on paper what I should not. If he saw those fond letters to you, what would he think of me? Oh do not make me an open shame! Will you denounce me? Will you make me an open shame? I shall be undone; I shall be ruined!" Now surely the Lord Advocate might safely have rested his case as to motive on these two terrible letters. And their publication would have done no harm, but good. They would have served as awful memorials of the shame which is sure to fall upon sin ; and a beacon to warn the young from the indulgence of guilty passion. What need then, to pour forth a flood of licentious correspondence long prior to those letters, and wholly immaterial so far as regarded the only purpose for which letters from Row could be material at all?

For, mark, the letters were entirely immaterial on the collateral point of opportunity.

It is at the root of the whole case to observe and bear in mind that the criminal intercourse was in the house at

Row, which was only a country house of the family, from which the family were continually absent, as is plain from the letters: there were, as may be imagined, from the position of the house, great facilities for clandestine intercourse. Thus, on the 15th of May, she writes—

“P. has been in Bed two days. If he should not feel well and come down on Tuesday it shall make no difference, just you come, only darling I think if he is in the Boat you should get out at Helensburgh. Well beloved you shall come to the gate (you know it) and wait till I come, my husband dear. I don't think there is any risk. Well Tuesday 6th May. The Gate half-past 10.”

The house at Row, doubtless like most country houses, stood in grounds, or at least in a garden, and had several modes of entrance and of exit; so that even if the family were there, a clandestine visit could take place easily; and being a country house, the father certainly could not be always there.

In November 1856, the family came to Blythswood-square, to a house next door to Mr. Minnoch's, and in which Miss Smith's room was on the same side as his front door. What difficulties this would cause as to future meetings of Madeleine and L'Angelier she foresaw, and can be appreciated from the letters of that period. Thus she wrote from Row in October:—

“Emile you are not reasonable. I do not wonder at your not loving me as you once did. Emile, I am not worthy of you. You deserve a better wife than I. I see misery before me this winter. I would to God we were not to be so near the M. (the Minnochs). You shall hear all stories and believe them. You will say I am indifferent because I shall not be able to see you much. I forgot to tell you last night that I shall not be able of an evening to let you in. My room is next to B., and on the same floor as the front door. I shall never be able to spend the happy hours we did last winter. Our letters I don't see how I am able to do, M. will watch every post. I intended to have spoke to you of all this last night, but we were so engaged otherwise.” . . .

In November she wrote, being then in Glasgow—

“You should get these brown envelopes, they would not be so much seen as white ones put down into my window. You should just stoop down to tie your shoe and then slip it in.” . . .

Several letters followed, which were chiefly taken up with directions as to how they shall communicate with

each other by the back door or the bedroom window, the family being now in Blythswood-square.

On November 18, she wrote—"Put the letters down at the window next to Minnoch's close door. Don't be seen near the house on Sunday. If M. and P. were from home I would take you in at the front door, as I did in India Street."

The letters, then, of the summer of 1856 were wholly immaterial, and their production was a wanton violation of public decency; and what is worse—a cruel injustice to the accused, covering her with odium for a licentiousness which had nothing to do with the criminal charge; as to which, the simple fact of her letters putting her in L'Angelier's power, was sufficient; and the agonizing letters of February showed that with a fearful and appalling power, which nothing in the world has ever equalled. The Lord Justice Clerk, indeed, pressed the licentious letters most severely against the prisoner; not merely as showing that L'Angelier had her in his power, but as showing that she was capable of committing murder. His Lordship said, "Here it is that the correspondence is of the utmost importance as showing what feeling she cherished about that time." Surely that could only refer to the letters written in February, especially the two terrible letters alluded to above, letters, showing not indecency but agony: the letters marked, by indecency, being written *nearly a year before!* The confusion of *time* in the mind of the Lord Justice Clerk, was not however so great as the moral confusion which seemed to pervade his mind. The letters, he says, are important, "as showing what state of mind and disposition she was in," (i. e. about that time, the time of the last appointment to meet L'Angelier,) "and whether there was any trace of moral sense or propriety to be found in her letters; or whether they did not exhibit such a degree of ill-regulated, disordered, and licentious feeling, as to show that the writer was quite capable of compassing any end by which she could avoid exposure; and of cherishing any feeling of revenge which such treatment might excite in her mind, driven nearly to madness by the thought of what might fall on the revelation of this correspondence." Now that the Lord Justice was referring to the indecent letters is clear, because the Report adds that *he then read one of them*, remarking on the licentiousness

of expression. Now, mark, those letters were written in the Spring or Summer of 1856, about a year before the time of the supposed murder, so that they could not show her "state of mind" about "that time;" and the letters which did show that, the letters of February, 1857, so far from showing licentious feeling, are written in anguish and in agony; and far from showing no trace of moral sense or propriety, are the letters which show most sense of it, for they are the genuine effusions of heart-stricken remorse, and breathe an anxiety on the part of the wretched girl for her parents, and a deep sense of her sin and shame, clearly showing that the moral sense was not lost within her.

The *Jurist* observes on the extreme confusion of ideas in the mind of the Lord Justice Clerk, in supposing that a capability of licentiousness argued a capability of murder. All experience of human nature disproves this; but, at all events, if there were no moral fallacy in the argument, it would only apply to licentiousness, existing "about the time" of the alleged murder, and as it happens that the letters written "about that time," and for nearly a year before, show an absence of licentiousness and a desire to escape from the seducer—surely the foundation for the argument, fallacious as it is, fails in fact. And it was the theory of the prosecution, which was that the girl was "about the time" of the supposed murder endeavouring to escape from her seducer: and it was said the object of her crime was to get rid of him. The Lord Advocate, who has a far clearer and keener eye than the Lord Justice Clerk, perceived that to brand the prisoner with licentiousness, letters nearly a year old must be produced. But surely the court should have seen that they were, for the reasons stated, irrelevant. And it, at all events, was for the credit of the female sex, and the interest of morality and justice, that those letters should not have been admitted, or if admitted, that it should have been pointed out, that they only applied to a very short period of the correspondence in the first flush of illicit passion. Instead of which, they were not only unnecessarily admitted, but they were put prominently forward, and made the very pith and marrow of the case, although wholly immaterial to the criminal charge; and every purpose of criminal justice would have been answered by putting in the letters of January, February, and March, which revealed the position of the wretched girl, showed her, in the power of

her seducer, and disclosed all the interest she is suggested to have had in the death of L'Angelier. And, we think, that in taking that course, the Lord Advocate and the Lord Justice Clerk, unnecessarily and therefore improperly compromised the interests of justice and morality.

But we have another word to say on the letters, and what they revealed. The Lord Advocate and the Lord Justice Clerk, seemed to treat it as an inevitable moral inference that, because they showed the prisoner had a desire to get rid of L'Angelier, therefore she was likely to kill him. The whole force of the inference lies in this, that she had no means of escape. Now this illustrates a fearful void and blank in all Protestant systems; its want of provision by way of refuge and reformation for wretched creatures involved in some mesh of sin and shame. In no form of Protestantism is this more marked than in that of Calvinism. Few of our readers are aware probably that, after Madeleine Smith had once become guilty, she never could, however sincerely penitent and reformed, have been readmitted to communion in the Scottish Calvinistic Church. She would be allowed "no place for repentance" even though she "sought it carefully" with tears and agony. Under this cold, harsh, cruel, unmerciful system, the wretched girl must have felt that her first sin was her irrevocable ruin; that it was of no use to repent; and that there was no chance of restoration. Of course it could have been of no use to seek the spiritual counsel of a Presbyterian "minister." Had she done so, what would he have said to her? Nothing but this, "Even if you repent, you can never be readmitted to our Church. Depart, guilty, wretched, creature; draw not near to righteous men and women; we can no longer have fellowship with you." Stern and cold, these disciples of Calvin would have repelled her even had she approached them. She knew it, and did not approach them. Would it have been so had they been Priests and she a Catholic? Ah, no! She would have gone to them certainly at two epochs in her sad story. In April 1855, when she threw up the clandestine correspondence, and when she would easily have been preserved from ruin: and in February 1857, when her remorse had paved the way for repentance, and when it was not too late to be reclaimed. The writer of a contribution in the *Register*, brought out this idea very prettily in an allegory, entitled "a vision," which some of

our readers may recollect. No one who looks at the poor girl's letters in April 1855, can doubt that had she been a Catholic, she would have made her Easter confession in good dispositions; and no Catholic can doubt that this would have saved her. The good priest would have done what her pious Presbyterian acquaintance, although a woman, did not do; he would have warned her against any clandestine correspondence with a man unknown to her parents, or with any of his acquaintances. He would have pointed out that L'Angelier could only have introduced her to Miss Perry with a view to promote his purposes, and that the acquaintance would probably result as it did, in a renewal of the clandestine correspondence. He would have required a solemn pledge that she would hold no communication with L'Angelier or Miss Perry, his confidante and friend. He would have warned her that clandestine correspondence led to secret interviews, and then to sin; and he would have told her that to put oneself in proximate danger of sin is sin; and should be confessed as such. Now Madeleine's ruin was not sudden. A whole year elapsed between the time at which she broke off the correspondence and the time when she was ruined; and, during that period, it is a moral probability almost amounting to certainty, that the influences of the confessional would have saved her from seduction.

But even supposing that it had not; at all events it would have saved her from desperation; for it would have been the means of holding out a last refuge, a remorse, a chance of restoration, an escape from irretrievable ruin. When she wrote the frantic letters of February, she would, had she been a Catholic, have sought a priest in her agony: and as the writer in the *Register* very happily conveyed, the priest would have calmed her frenzy, secured her a temporary refuge in a convent while the lamentable story was disclosed to her father; and possibly (had L'Angelier been a Catholic, almost certainly) the priest's remonstrances with the seducer might have induced him to give up the letters or destroy them, at least those which threw the blackest stain upon her character, and the recollection of which it was which drove her to frenzy—made her speak of suicide; and, as the prosecutor suggested, made her afterwards think of murder. Anyhow, the joint influence of the father and his friends would have prevailed on the seducer to let go his prey, convinced

that he could not retain her, and that it would be of no advantage to himself merely to ruin her, while it would expose him to the father's wrath; and, on the other hand, if his motive was sordid, he could have been bought off with money, as we know, in one case, a miscreant under similar circumstances, was bought off by the parents of the wretched girl he had entrapped. Anyhow, there would have been for the girl a better alternative than suicide or murder. She would have had a certain refuge and a chance at least of rescue. But the misery of her case was that she saw no chance of rescue or of refuge. The charitable theory of the *Jurist* and the *Herald* that she intended suicide, assumes that there was no other means of escape. The argument of the prosecutor assumed it; the court assumed it, and pressed it with formidable force. It was a fact. There was no refuge for her. This was the very secret of her seducer's power over her. He knew that she had no refuge or means of rescue. Hence he rivetted his cruel hold upon her. Had he known that she could have secured the certainty of refuge and the chance of rescue, the very knowledge would have weakened his power over her. But, alas! there was no rescue. And (if murder there was) murder was the result. Murder most foul, unnatural, and horrible.

Thus, then, at every stage of this sad story we see the fearful fruits of a false religion; whether in that absence of correct moral principle which led pious persons to connive at a clandestine correspondence and covert interviews, which led inevitably to sin and shame, or in the absence of all means of reclamation or restoration; and that cold, stern spirit which leads the professors and ministers of heresy to repel those whom they have failed to warn, and whom a warning might have saved from ruin; and thus drive a wretched, shame-stricken girl to desperation, by teaching her that there was no hope, and holding out no prospect of rescue, no possibility of escape. It would be an error to imagine the case of Madeleine Smith an isolated one. In its circumstances of obscurity and mystery it was peculiar, and in those circumstances which made the tragedy so terrible. But what caused the tragedy? Impurity. And impurity is the sin of Scotland. There is no feature in the natural character of the Scotch people more marked than this, unless it be inebriety. With a pharisaical appearance of propriety, there is a fearfully wide-spread taint of iniquity,

which presents a marked contrast to the national character of Ireland.

The Lord Justice Clerk, alluding to the licentiousness shown in the prisoner's letters, declared that probably it was unparalleled. The Lord Justice Clerk either knew nothing of his country, or was guilty of a piece of solemn judicial hypocrisy. Why, we have never spoken to any one, Catholic or Protestant, acquainted with Scotland, who has not deplored the impurity of the people! The Lord Justice Clerk dwelt on the prisoner's licentiousness, as allied to murderousness. If so, his Lordship's countrymen, and countrywomen must be a sadly murderous race; but we are more charitable, and doubt his theory. One thing, however, is clear, that if the crime was committed, the remote cause was licentiousness. And all will see that of the licentiousness the direct cause was the secret and stolen interviews. And that what led to those interviews was the clandestine correspondence. Thus, then, in the chain of causes, we get at that as the original cause of this terrible tragedy of shame and crime. And that correspondence was with a man, deemed, by a pious Calvinist, who was privy to it, "strictly moral and religious," she herself being a Calvinist of the strictest sect, and both of them being regular attendants at church. And to crown all, the Calvinistic judges saw no impropriety in conniving at the clandestine correspondence to which they themselves ascribed the whole of the sin and misery which had ensued; and saw nothing but what was natural in the servant rising from family prayers to let in the seducer of her master's daughter. And thus to crown all, (in the words of a Scotch contemporary), "the upshot of all, after prayer and psalm-singing, we have a trial for murder, with such a revelation of personal and domestic secrets as must appal the worst of us."

But now we venture to offer some observation on the conduct of the prosecution, which has been much canvassed by our contemporaries. It will have been seen how much depended on the letters. Now, it appeared that there were two or three hundred letters, nearly three hundred, in various handwritings, found in the repositories of the deceased; of these, about half were in Miss Perry's writing. The deceased had corresponded with other females—there were letters from other females in his repositories. The first persons present immediately after the

decease, were Stevenson, a fellow servant of L'Angelier's, and Miss Perry. The latter knew of the clandestine correspondence, and probably the former had heard of some such correspondence. They found the prisoner's note, making an appointment for the day before the fatal night. One of them exclaimed, "This explains all!" The observation explains what followed. It is clear that these persons at once conceived a vehement suspicion of Miss Smith, and formed a theory on the subject. Stevenson lost no time in seeing the officials; and on the 30th March all the letters were given up to them; but, mark, no inventory of them was taken. "I gave them," he said, "to the officer, but no inventory was made. I made no inventory; I never saw any list of them: I am not aware of any list being made of the letters found at the lodgings before the 30th March." The Lord Justice Clerk said, "During your examinations were you asked to go over the letters and put any marks on them?" The witness said, "Not when they were delivered up. Afterwards I was requested to put my initials on some of them." The Lord Justice Clerk, thereupon said, "The course which this case seems to have taken is unprecedented." Nor was this all. The letters had been given up to the Procurator Fiscal, and through him to the agent for the prosecution. The Lord Justice Clerk said, "The Sheriff's Clerk was the party under whose warrant they were taken, and who ought to have had an inventory of them directly. The Procurator Fiscal ought not to have had them." Upon this, the prisoner's counsel urged that up to this moment no inventory has been made of the whole of these documents, and we have no certainty that the whole of them have found their way back. The Lord Justice Clerk said that he concurred strongly in the observations of the prisoner's counsel, and that the letters ought to have been inventoried. But the court would not exclude the letters put in. Those letters, however, were only the letters of the prisoner to the deceased, and one or two of Miss Perry's. These the prisoner's counsel had copies of (in June); but not one letter from any other female.

Now, the Dean of the Faculty dwelt upon this in his speech; and he had all the more right to do so, because in answer to his first objections, the Lord Advocate, though he over and over again declared that the prisoner's

counsel had access to all the letters of the prisoner to the deceased, never said anything as to letters from *other persons*. Now, it might be that other letters would show a strong probability that the death of L'Angelier was caused by other means than the administration of arsenic by the prisoner. Or, again, the missing letters might have shown some other reason for L'Angelier's coming to Glasgow on the fatal night. For example, he called on a person named Mc.Alester on that very night. It is possible that there might have been something in the letters to show that there were matters between him and that person which were as likely to call for his presence in Glasgow, as the note of Miss Smith: more especially since the Crown did not call Mc.Alester. Or, again, those letters might have shown that L'Angelier was in the habit of visiting some other female, as hostile, through jealousy, (perhaps through jealousy of Miss Smith), as Miss Smith herself. There was evidence that he had relations with other women. These suggestions are so far from being improbable, that they are, as above intimated, in some degree founded on the evidence in the case. And to that extent merely it would have been proper for the Lord Justice Clerk to refer to the subject. But he was silent. Now, since the trial, a Scotch paper has adverted to rumours that letters were suppressed by the officials, which would have been most material for the defence.

"But to give this rumour body, was there or was there not a letter in a female's handwriting (not Miss Smith's), addressed to 'My dear L'Angelier,' containing these words, or words of similar import, 'Helen sends you some powders; they are insoluble in water, but if taken in a tumbler of porter they will make you as fat as Paddy M'Roberts?' If there was such a letter, did the agents for the defence see it, or was it found useless for the defence? If the defence did not see it, did the Crown officials see it? Did they select it as one of those necessary for the prosecution? If such a letter was seen, was it ever put in type? and if put in type, whether was it printed among the other letters used on the trial or withdrawn? These are questions easily answered, either by the Crown officials or by the agents who conducted the defence, and neither party may consider such a rumour so utterly insignificant as to be wholly unworthy of notice, even although its effect upon the trial and verdict must now be valueless."

We have seen no answer to these enquiries in the Scotch papers, and in the absence of any answer, we can only say

that the statement we have cited, shows at least that our suggestions are not irrational. And our readers will the better appreciate the importance of the point when we recal the *Lancet's* remarks on the habit of the arsenic eating, and also recal a little fragment of the medical evidence; that in the stomach was found along with the arsenic, a "white powder;" who knows what might have been proved had the prisoner's counsel been allowed to see that letter before it was too late to make any enquiry about it?

We must animadvert on the evidence of the prosecution. The *Jurist* denounces the Lord Advocate's speech as unscrupulous.

The Press said, "It could not close its remarks on the case without advertng to the tone of the Lord-Advocate's speech in summing up the case for the prosecution. It was unfair to the prisoner throughout. He assumed her guilt from first to last. He put forward his own inferences as established facts; nor did he, as he was from his position bound to do, state a single circumstance in favour of the prisoner. He would not admit the possibility of her innocence. He spoke throughout not as a responsible officer of the Crown, but as a zealous partizan."

A Scotch paper significantly observed that the whig officials seemed more alive to official defeat in the case than to conclusions resting on the evidence. Let no one suppose, that to a public prosecutor conviction in such a case is a matter of indifference. The case has enlisted all his energy; the greater the mystery and the difficulty, the more will success redound to his credit, and under the range of facts the more scope will there be for animadversion on defects in the evidence adduced. Certainly, in this case, the Lord Advocate did his utmost to supply the want of evidence by ingenious inference, and there was force in the remark of the Dean of the Faculty, that this was the first case in which the case for a prosecution was rested on inference; and it was not without some shadow of reason that the *Jurist* described his powerful speech as unscrupulous. It pressed most severely on the prisoner, not merely by its power. It distorted the facts, and misrepresented the evidence on the most vital points. And this was the more important, since the public, confused by the immense mass of evidence, naturally took their idea of the case from the Lord Advocate's

speech, which was infinitely more attractive than that of the Dean of Faculty, and being on the attacking side, was bold, positive, and decisive; whereas, the Dean's speech on the defence, was reserved, guarded, cautious, and negative; and it did not come within his province to give the whole history of the case as the Lord Advocate did. Hence, he first had the ear of the court and the public, and the impression he made was never erased, at least, until some time after the trial. But how did he make it? By substituting his own inferences for proved facts. He represented letters undated, as written at the particular time which would suit his theory, although there was no evidence one way or the other. This was especially the case with respect to the letter alluding to stuff as taken by the prisoner, which had no date or legible post-mark, and which might have been written in November when she was taking cocoa, notwithstanding which, the Lord Advocate told the jury that it was written in February, and that the "stuff" meant arsenic! although she never pretended to have eaten arsenic! And this monstrous misrepresentation, the court neither corrected nor noticed!

Again: the Lord Advocate represented that the accused could easily have boiled the cocoa on the fatal night, for that she had a fire in her room, and access to the fire in the kitchen, and was in the habit of having cocoa. Now there was not any evidence that she had taken cocoa since November. The Lord Advocate had in the box three servants and the sister of the prisoner, and from none of them did he venture to enquire whether they had ever known her to have cocoa during a month before the death of L'Angelier, still less did he venture to ask whether they had known it taken or prepared within a week, or on the fatal night, yet, as the *Jurist* remarked, the traces must have been observable. And as to the preparation of it in the prisoner's room there was no evidence that there was any utensil for its preparation, or any fire there on the fatal night; neither as to the kitchen fire was there any evidence, as to whether it was likely to be still alight two hours after the family retired to rest, which was about eleven. The natural inference surely is that it would not be in at twelve, until which the family were not likely to be asleep. The representations of the Lord Advocate then on this—the very pith of the case—were mere suggestions, pure imagination, not even inferences founded on

any facts, yet the court allowed it all to stand, unchecked and uncorrected. Nothing could be more likely to mislead the jury at the end of nine days enquiry, recollecting that something had been said about her taking cocoa, and about a fire in her room, and access to the kitchen, and so forth. Just enough had been asked on these points in vague and general terms to mislead their minds and make them fancy that the evidence was material, whereas it hardly came to this, that possibly on the fatal night she might have had cocoa, for it was not even proved that it was possible.

Again: the Lord Advocate represented it to the jury that there could be no other motive for the last assignments the prisoner gave L'Angelier except to allure him to his destruction. And the court so put it to the jury. Why it was part of the evidence for the defence; it was *patent* on the face of the prisoner's letters, that she desired an interview, to afford him the explanation he demanded, and which she was evidently (having had painful experience as to letters) resolved to offer orally, probably for this reason—a very good one—that her explanation would be more plausible and her persuasion more influential, if exercised by word of mouth, and face to face, than through the medium of a letter. On the 5th of March he required explanation, and in every note of hers afterwards she promises an explanation *when they met*. Now, surely, when the prosecutor made the very pivot of his case a certain assumption, when something else quite different was *more* consistent with the facts, it was the duty of the court to correct him, or to comment upon the facts in their charge, and point out the more probable solution of the question. But the court did nothing of the kind, and left the prisoner to the mercy of the prosecutor.

We cannot help saying a word, in passing, as to the medical evidence. The public prosecutor never finds any difficulty in getting scientific evidence to square with his theory, and the rashness with which such evidence is given was illustrated in all three of the late cases of poisoning. In Palmer's the evidence turned on this, that strychnine could not be detected, unless in excess; whereas it has since been demonstrated, by actual experiments, that the slightest possible atom or drop of that most marvellous poison is detected in all the tissues, vessels, or evacuations of the body. So that if Palmer's conviction

had turned solely on the scientific evidence, (which happily it did not,) it would be plain that he was convicted upon a mistake, and it is more than doubtful whether he was not in one sense wrongly, if not wrongfully, convicted, for he was charged with poisoning by means of strychnine, and no trace of it was found, although it is now proved that *if* it had been there, it ought to have been found, and that (most fortunately) the most deadly poison is the most easily detected.

In Bacon's case the same eminent chemist who was examined in Palmer's, having traced a grain of arsenic, assumed the reception of a much greater quantity, because the viscera were found in a very well preserved state; although he admitted that certain other substances would equally produce a similar result. These cases show the need for great judicial care in dealing with what is called scientific evidence. Never was there more need for such care than in Madeleine Smith's. The medical witnesses for the prosecution swore that arsenic could not be used with safety as a cosmetic; a fact they could not know, for they had not tried; and the only fact they did know, viz., that it was insoluble in cold water, being against their theory. Two other medical men had actually *tried*: and found (what is, it appears, notorious) that there was no danger in it. Suppose Madeleine Smith's friends could not have afforded the heavy expenses of scientific evidence, she might have suffered, and whether innocent or not would most surely have been convicted on mistaken evidence. It is dreadful to think how innocence may be imperilled by such rashness. On the other hand, matters of great moment within the range of actual experiment were neglected, as the search for the carbonaceous particles of the colouring matter! Here we must notice a gross misrepresentation of the Lord Advocate, which, with Dr. Christison's omissions and self-contradictions, passed utterly unnoticed by the court. The Lord Advocate, feeling the importance of the omission we have mentioned, told the jury it was proved that the colouring matter of Currie's arsenic (waste indigo) *could not be detected*! A more flagrant and monstrous misrepresentation in a case of life and death never was made; for his own witness, Dr. Christison, was compelled to say that the chief ingredient of the waste indigo was charcoal—the same as of soot; which he admitted could be detected! Here then was a manifest misrepresentation.

sentation of the evidence, by the public prosecutor; and it was allowed to pass, uncorrected by the Court.

There was another respect in which the Court failed to do justice to the prisoner's case as to the use of arsenic, especially with reference to the evidence as regarded the habits of the Styrian peasants to eat it in small quantities. They treated this as the Lord Advocate treated it, as if its only bearing was upon the prisoner's use of it, as to which they adopted his observation that her use of it, by her account, was external. But they entirely overlooked its bearing on the possible use of arsenic by L'Angelier, and when dealing with that point they utterly ignored the evidence as to Styrian use of arsenic: although it was in evidence that L'Angelier had used it. And while on this point we will notice another most important piece of evidence, the bearing of which on the theory of the prisoner's cosmetic use of arsenic is most important. It was in evidence that *L'Angelier* had said that French ladies used arsenic to improve their complexion. There was independent evidence that, at school the prisoner used arsenic (it did not appear clearly whether internally or externally) to improve her complexion. And there is a passage in one of the prisoner's letters in which she alludes to something L'Angelier had told her of a supposed practice prevailing among school girls. This was before the purchase of arsenic. Putting all the things together it really appears rather too strong an assumption to take it for certain that the whole cosmetic theory was false. But the Court failed to point out that it rested partly on L'Angelier's own statements and practice; and that as he had used it himself internally, so he knew ladies use it externally; had told one female so, and probably told the prisoner so: we may add that the dates of the purchasing arsenic correspond with the periods at which the prisoner was going to pay visits or see company. Thus on the 6th March she was going to Row for ten days, and on the 18th March she was going to a party.

The case for the defence no doubt must, to be conclusive, account both for the prisoner's possession of arsenic, and for her lover's reception of it. But the case for the prosecution is disproved and destroyed, if either the one or the other of these facts is innocently explained. Now what says the *Lancet*?

"L'Angelier was a man of inferior station to Madeleine Smith. He seems to have been a vain and impulsive little coxcomb. Boasting much of his personal appearance, he evidently attributed to that the conquest he had made. He had means of obtaining arsenic. In 1852, and on several subsequent occasions, he confessed, without hesitation, to using it. The symptoms of the two attacks above-mentioned were such as an overdose of the drug, or too long perseverance in its use, would produce. Just such an excess is what such a being would commit in his anxiety to regain her affection by the good looks which had once won her, and which he probably attributed, in part, to the use of arsenic for his complexion. Moreover, he had similarly suffered, on several previous occasions, before at all knowing the accused."

Thus our eminent medical contemporary treats it as very probable that L'Angelier used arsenic. Then on the other hand, the *Lancet* treats it as very probable that the prisoner used it.

"On this trial the prisoner and two witnesses remembered distinctly reading in class, when at school, an account of the Styrian arsenic-eating and its effect on the complexion. They had forgotten other things, but the recollection of this pernicious teaching clung to them. It may be there are others who learnt the same lesson, and who have the folly to meddle with such dangerous drugs. This case may serve to them, or to others equally vain and rash, as a warning that such folly might subject them to be at any time dragged before a public tribunal, charged with murder, every incident of their foolish lives revealed, and every weakness or frivolity mercilessly exposed."

It is quite clear that the *Lancet* believes the prisoner had used arsenic in that way. And it is too much to take it for granted that a theory is false or irrational, which a medical journal of eminence treats as probable and reasonable.

Since the trial the Scotch papers have discussed this point with great energy. One paper we have seen calls attention to the "white powder" which L'Angelier purchased, and suggests that he might have been poisoned by accident—as it is not improbable that the stuff sold might be arsenic, and this would account for the large portion found in the stomach of the deceased. Another paper—the *Edinburgh Advertiser*—has a long chain of argument on the subject to prove that habitual arsenic-eating was the cause of death. We give the concluding part of the article:—

"In some of his former illnesses a feather would have turned the scale against his life—on this night he had an unusual incentive to take the poison, and the question suggests itself, did he not in his unconsciousness take an overdose? It is impossible to decide by mere theory as to what amount of poison the system may habituate itself to. The poisoning powers of opium and arsenic are nearly equal, and De Quincy took as high as 12,000 drops of laudanum (equal to 480 grains of opium per diem) without injury—as much as would kill 120 ordinary men! So that we cannot tell what quantity of arsenic L'Angelier could ordinarily take. 'Nervous irritation,' says De Quincy, 'forced me, at times, upon perilous excesses.' Might not that have been the end of L'Angelier? We do not say that this is more likely than suicide, but it is at least a solution less repugnant, and which it would better please us to adopt."

Our cotemporary, however, is not first in the field with this suggestion, as the *Scotch Thistle* had indicated in the following words a similar theory:—

"We understand that since the conclusion of the trial, much inquiry has been made by our chemists into the facts connected with the quantity of arsenic which was found in the body of deceased, and some curious information may be looked for upon this point. The amount of arsenic found, as our readers will remember, was enormous—nearly ten times more than was required to effect his death, and speculation is now rife as to whether or not this quantity might not have gradually accumulated; as, although no poison was found about the person or in the lodgings of the deceased, it is almost certain that he was a frequent eater of it, as his fine waxy complexion testified. It is not, therefore, at all improbable that his death may have been a natural result of this practice. At any rate, we have but to read the Lord Advocate's and the Dean of Faculty's speeches to see how differently the same facts may be made use of by different minds, and how circumstances may be coloured to suit either the theory of guilt or innocence."

And surely this was a case of all others in which it behoved the Court fully to bring before the jury the facts in evidence, instead of which, as we have seen, they ignored the most important; and treated as wholly irrational and improbable the entire theory for the defence, which the best authorities pronounce to be the most probable solution of the case.

Throughout the charge of the Lord Justice, not less than through the speech of the Lord Advocate, it was assumed that the only difficulty in the case was as to the

prisoner meeting L'Angelier on the fatal night. If only that could be established, it was assumed that her guilt was clear. So the case was treated by the *Times*. But is it so? Better authorities on such a subject—the *Jurist* and the *Lancet*, are two most eminent legal and medical journals—treat that omitted fact as so far from being decisive, that it would leave unsolved the greatest difficulties in the case. The *Jurist* discusses the moral improbability of L'Angelier's readily taking cocoa, the very drink which had before disagreed with him; and the *Lancet* ably argues on chemical principles, that the prisoner could not have administered such a quantity of arsenic to him in such a medium, without detection. Even this is overlooking all the other difficulties as to the preparation of the cocoa at midnight; of which there was not a particle of evidence.

Let it be recollected that 88 grains of arsenic, as the *Lancet* says, was taken from the stomach of the deceased; but the medical witness said the quantity altogether, allowing for what was absorbed and vomited, might have been 300 grains.

The *Lancet* says on this point:—

"It was contended that an interview had taken place on the night preceding his death, and that then the prisoner had administered the poison in a cup of coffee or chocolate. It has been asserted that positive evidence of this meeting was all that was required to supply the link of proof necessary to establish her guilt, and this has been the opinion generally expressed by the leading journals.

"But a little attention to the medical evidence will show that the occurrence of this interview may be granted without any such implication of the accused. Nay, more, it is almost necessary for the explanation of the subsequent events. We learn that the quantity of arsenic administered certainly amounted to two drachms, and Dr. Christison rates the quantity at one-third higher. Now, it is simply impracticable for any but a most expert chemist to suspend this quantity in a cup of coffee or chocolate without immediate detection. On the cessation of stirring, the arsenic rapidly falls to the bottom of the cup. If drunk slowly—a mouthful being taken at first, and then swallowed—the drug would similarly have settled in the interstices of the mouth, and there have rapidly produced local irritation, never complained of by the deceased. In fact, the only manner in which the presence of so large a quantity of arsenic can be accounted for is, by supposing it to have been washed down with copious draughts of fluid, which supplied the large quantity vomited when symptoms of

poisoning ensued. This, we need hardly say, is totally incompatible with its covert administration by the prisoner."

The theory for the prosecution, according to this, is involved in this dilemma. If the arsenic found in the body was the accumulation of many receptions, (and the *Jurist* says, that arsenic once in the tissues never leaves them,) that is rather in favour of the theory of arsenic eating; if all was taken at once, that is, as the *Lancet* says, impossible that such a quantity could have been covertly administered by the prisoner. It would, however, be quite consistent with the theory that L'Angelier took the arsenic voluntarily, though not consciously; that is, supposing he took it in the "powders" sent him by the unknown female.

Lord Justice Clerk treated as quite absurd the idea that arsenic could be used as a cosmetic, or rather that a solution of it could be used as a wash with impunity. Yet the medical witnesses for the prosecution stated it to be insoluble in cold water, and it cannot be held in suspension for any appreciable interval. But since the trial it has transpired that the use of arsenic for washing is quite common in various trades and manufactures, and that the hands may be immersed in it for hours without any risk of injury, unless (perhaps) the skin is broken. The fact is, arsenic acts on the blood and must be absorbed into the blood to do mischief; so that its use on the exterior of the skin has no necessary tendency to injury. Thus then, on an assumption notoriously false, the whole theory of the defence was discarded by the Lord Justice Clerk; and since the trial, Scotland has been ringing with complaints of the lamentable and nearly fatal exhibition of judicial ignorance and rashness.

Perhaps few of our readers believe in the cosmetic theory of the defence; perhaps we do not ourselves believe in it; but that matters not to our present observation, which is, that the jury should have been led to judge of it by the facts sworn, and not by false statements of the facts; and that this, especially in a trial which lasted nine days, it was the duty of the Court to look too, a duty which they entirely neglected. The cosmetic theory no doubt had its difficulties; (though it was clearly proved to be quite possible,) but those difficulties were not much greater than some which embarrassed the theory of the prosecution. It was never explained by the Lord Advocate why, on that

theory, the prisoner purchased on three occasions quite openly, an ounce of arsenic; and why, she should have purchased an ounce on the 6th March, the day she went away from Glasgow for ten days; what she did with it; and why she bought an ounce, when she came back to Glasgow. After four months study of the case and a nine days trial, the prosecutor could not reconcile these facts with his theory of guilt. And the Court did not comment on his failure to do so; though they took care to condemn without the least reserve, the theory for the defence.

That the Lord Justice Clerk had a strong prejudice against the accused, there was more to lead us to suspect than his omission to do justice to her defence. He commented as severely on her letters of the summer of 1856, as if she were on her trial for writing those letters, or for some crime of which they formed an element. Nor is this all. He actually assumed her guilt, and treated it as morally certain. When speaking of her flight to her father's house at Row two or three days after the fatal occurrence,—a flight which her counsel ascribed to fear of the disclosure of her letters; and which the prosecutor attached to fear of the dreadful charge which was afterwards made against her,—the Lord Justice Clerk made this monstrous statement to the jury, "The Dean said she was flying from the shame of exposure, but my opinion is, that having made a statement about getting arsenic for the gardener, to kill rats, and knowing that if it were discovered that he had got no arsenic from her for such a purpose, unpleasant consequences might follow, she wished to see him in order to make an arrangement by which that statement might be borne out!"

Now, passing by the gross injustice of a judge suggesting inferences against the prisoner from facts capable of two or three different explanations, the Lord Justice Clerk could have had no reason for the suggestion he made; for the sworn evidence could leave little doubt that it was utterly unfounded. The gardener had been examined: he therefore must have been interrogated for the prosecution before trial, and if anything like what the Lord Justice Clerk suggested had occurred, it must have been elicited; it was not elicited; and as perjury is never to be presumed, the fair inference is, that it never occurred. Anyhow, it was a suggestion perfectly gratuitous and unsupported by an atom of evidence. And it was a suggestion implying and insin-

uating, or rather assuming, that the prisoner was seeking to support a false story in order to screen the guilt she had incurred by murder. In other words, it quietly assumed the girl's guilt! And such a suggestion was made by the judge who was trying her! But what will our readers think of this when we recal to their memory the fact that the girl when examined *admitted* that the excuse she had given to the chemists about the rats, was untrue: and never relied upon it!

There was, however, a more serious sin of omission on the part of the Court. They failed to notice what the Lord Advocate greatly relied on as a fatal flaw in the case for the defence, but was in reality a fatal fault in his own. We refer to the prisoner's attempted purchase of prussic acid. It was to poison her lover, said the prosecutor. Poison her lover! Why if she poisoned him it could only be in her father's house; and if she used prussic acid, which as every school girl knows acts instantaneously, she would lay him dead at her feet! It is impossible she could have purchased the prussic acid to poison him. The Lord Advocate with terrific effect asked what was it to be procured for? He added that it could not have been used as a cosmetic, and that this destroyed the whole cosmetic theory, as to the arsenic. But the Lord Advocate proved too much; and in destroying the whole cosmetic theory, he destroyed his own case. Since the prussic acid, no doubt, was not to be purchased for a cosmetic (it might have been, as it is used to remove excrescences from the hands, but if not,) why was it to be purchased? The Lord Advocate assumed that it was to poison L'Angelier, overlooking the difficulty we have adverted to; and while making that assertion, omitted to observe the inevitable inference; viz., that the girl wanted the prussic acid to poison herself. It was at the very time of her agonized letters in February in which she says with frantic despair that in case of exposure she will die. And on this the *Herald*, the *Jurist*, and the *Edinburgh Advertiser* have constructed a theory for the defence; as to which we say nothing except that it is not inconsistent with the facts: and accounts for some, which the theory of the prosecution failed to explain. But what we desire above all to observe is, that though the Dean of the Faculty threw out the suggestion of suicide (very cautiously and hesitatingly we admit) the Lord Justice Clerk

never adverted to it; and did the accused the great and grievous injustice of entirely ignoring it. We venture to say that it clearly was his duty in dealing with such a mass of evidence to notice fairly the theories for the prosecution and the defence; and point out how far and in what degree the evidence harmonized with one or the other. In such a case this not being done, the accused could not have a fair trial. And this is all we are concerned with.

The *Jurist* suggests that the theory of suicide is certainly not excluded by the fact that the girl, when examined on the 31st March, said (not that she purchased the poison for cosmetic purposes, but) that she used it for cosmetic purposes. For that may have been in the hopes of hiding her shame; which the avowal of an intention to commit suicide would have indirectly tended to disclose. We know not what force there may be in this, but the more feasible it is we can the less easily account for the Dean's adherence to the cosmetic theory; which, however, may have been because he imagined it perilous to depart from a theory which the accused herself had set up. If that be so clear, the case illustrates still more forcibly the peril of a system under which the prisoner is examined; for it may be that the truth may be denied or concealed, not from consciousness of guilt, but from an apprehension of suspicion; and then a false explanation may hamper the prisoner in taking the true ground of defence at the trial. A writer in the *Register* suggested that the purchases of arsenic were successively resorted to under terror inspired by threatening letters of L'Angelier; and that the arsenic was thrown away after each occasion as he appeared to be pacified. This is so far supported by the facts that it explains why the purchases were all after the receipt of threatening letters, and on the other hand it explains the fact of those purchases which the theory for the prosecution does not do. The only obstacle in the way of the theory of suicide is the cosmetic theory, and that would not have existed but for the examination of the accused. The case illustrates in a remarkable way the fallacy of the notion that such examinations tend to elicit the truth; they serve far more to conceal it; for in this case the more obvious and probable theory for the defence, which all who have defended the prisoner in the press have adopted, was practically excluded by the less probable theory which the prisoner under the pressure of her examinations set up; very likely untruly.

It will have been observed that we have only entered into the evidence in the case in order to consider the conduct of the prosecution; to enable our readers to understand our strictures either on the judge's charge, or on the Scotch system of criminal judicature, we have purposely refrained from discussing the question of guilt or innocence. After a legal acquittal, (and in Scotch law not proven is an acquittal; the *law* knowing no distinction between that verdict and not guilty; and equally absolving the accused on the one verdict as on the other,) we conceive it would be indecent and unjust to do so. The conduct of the prosecution, and the effect of a particular system of procedure can be considered quite independently of our belief or disbelief in the charge. And we have abstained from expressing any opinion upon it one way or the other.

There is a great misapprehension as to the verdict of not proven. The *Law Times* said that it is in effect the same as not guilty. "The books do not disclose any authority for the theory that it indicates suspicion. It seems merely to be a negative salvo for the consciences of scrupulous men, enabling them, when a lurking doubt remains in their minds as to the propriety of the direct affirmation of a prisoner's innocence, which may be supposed to be contained in the verdict of not guilty; to indicate not that they suspect the prisoner to be guilty, but that they do not think she has been proved to be guilty," or rather, we should say, that it has not been proved that she is innocent. The *Jurist* also states that the effect of not proven is not that the jury are morally satisfied of the guilt, but that they are not satisfied of innocence; which is a different thing. And one of our contemporaries (we think the *Saturday Review*) points out the fallacy of treating legal evidence as distinct in kind from moral evidence, so that a person may profess to have a moral certainty of guilt though he admits that there is not sufficient legal evidence to make it certain. The legal evidence of guilt, if adequate, makes out moral certainty of guilt on the theory of probability; which is moral evidence. But the law requires the highest degree of probability; or of moral certainty. Perhaps charity should require no less. And if so, then it is a fallacy to talk of being morally satisfied of guilt, while it is admitted that there is no moral certainty of it, which is the effect of "not proven;" the

effect of not guilty being something more ; viz., that there is a moral certainty of innocence.

We close with some admirable remarks of the *Law Times*, which, after speaking of " the strange and frightful theory " (as it terms it) of guilt, proceeds to say :—

" It is a grave question whether, when such a story after the fullest investigation, has failed in its legal applicability to a prisoner, and when, after all the horrible ordeal of a trial for life has been endured, the press should comment on the accused in terms of opprobrium. Madeleine Smith now stands or falls to her own conscience and to God ; but her country's laws have absolved her once and for ever from all further question on the terrible accusation ; and since that law has absolved her, it may be believed reasonably and asserted boldly, *that all public commentary*, insinuating and attributing guilt to one that stands before the world as an innocent and acquitted woman, is a libel of the cruelest nature, and the most pernicious precedent. The reed was stricken already, was it well, or manly, or just, to bruise it more ? She stood already ' a thing for scorn to point his fixed unmoving finger at ; ' was it right that the oracles of public opinion should again call the poor wretch to the bar, whence she had been dismissed, rehear the case, and pronounce what they misname a moral verdict ? "

That is assuming a responsibility which the *Catholic* mind should surely decline, and which we advisedly have declined. We have discussed the case with reference to matters of permanent interest, the merits of a particular system of criminal judicature, the grave errors of procedure which were committed, the nature of the medical evidence, the conduct of the prosecution, and the whole legal aspect of the case with reference, particularly, to the question whether the trial was fair, and such an one as was calculated to elicit the truth and work justice. These are matters wholly independent of the question whether the prisoner was guilty or innocent of the charge : they are matters with reference to which professional journals of the highest character have already dealt with the case ; and we have reason to believe that ours is not the only Quarterly which will treat of it. But in addition there were certain moral considerations which seemed to call for grave observation ; and it was natural for a Catholic journalist to notice those remarkable illustrations of conventional morality, and that lamentable exhibition of the results of a false religious system, which, to our mind, constitute the main interest of the case.

- ART. VI.—1. *On the Future Unity of Christendom.* By Ambrose Lisle Phillipps, Esq. London: Charles Dolman, 1857.
2. *Church Parties: the Evangelicals, the Tractarian Movement, the Broad Church.* Reprinted from the *Union* newspaper. London: William Edward Painter.
3. *The Progress of the Church.* A Sermon. By Frederick George Lee, S.C.L., F.S.A. London: Joseph Masters, 1857.

THE unity of the Church, like all other characteristics ascribed to her in the creed, is not a mere theory, but a fact. Jerusalem is built as a city which is compact together. The vision of prophets, the teaching of apostles, the long succession of type and promise, is fulfilled before our eyes. For the dogma of the Church is not merely an embodiment in words of some philosophical idea, or poetic fancy, or hierarchical conception, or saintly craving; it is the witness of a truth present, living, palpable,—a truth which leaves no variance between the creed we utter and the phenomena we see, presents no contradiction to vex the faithful and repel the unbeliever, confesses no antagonism between members of the same body, allows no suspicion of the constancy of Him whose word is true from everlasting. Whatever communities have been torn away from the Church in the course of time, their loss has never for a moment impaired the oneness of her undivided personality. They went out from her, but no portion of her living soul went with them. They took their own course, lived their own life, worked out their own destiny; but it was a thing altogether separate and distinct from her's. They might come into contact, or run parallel, with her for stated periods, and at given times; but they were never governed by the laws of her being; they were never informed by the Spirit that dwells in her. And history no more warrants us in assigning an ecclesiastical rank to bodies out of formal communion with the "one Church," than theology warrants us in exalting creatures to an equality with the "one God."

It is quite worth while to recall these considerations, obvious and elementary as they appear, at the threshold of such an inquiry as that to which Mr. Phillipps has invited us. We have no intention of entering upon a detailed

criticism of his pamphlet, and still less shall we follow him in contemplating "the future unity of Christendom" from a position external to the Church. Such a position can only lead to error on the part of those who adopt it as the basis of speculation, since it is one which the Church herself can never, in the nature of things, admit as a basis of action. She is bound by her own principles, come of it what may; and as they never permit her to regard schismatical communities from a point of view which is not her own, so they are inconsistent with all theorizing, on the part of her children, which assumes any other standing ground than her's. We deeply regret that, instead of stating this fact with breadth and clearness, Mr. Philipps has allowed himself practically to forget it. His pamphlet is one which will find many Protestant readers, and it was therefore especially desirable that he should hold out no delusive hopes to them, even by way of implication or omission. But, unhappily, when the longing after any religious object has taken possession of a man's soul, it is only too easy for him to pursue it through ways which sober prudence would disallow, and with an impetuosity which the wisdom of ecclesiastical superiors would restrain. Few men are able to direct their own steps with unerring wisdom through the mazes of theological controversy; and, for our own part, we desire to accept as a guide no less than a warning, the words which have been so solemnly uttered by the Fathers of the English Church:—"Cum, igitur, nostris hisce temporibus hisque in regionibus, novam induerit error larvam, et inveniantur non pauci, qui doctrinas Ecclesiæ se tenere profiteantur, ritus et praxim imitentur, et proinde sese, quamvis a societate Sponsæ Christi divulsos, Catholicos vocitant et simplices fallaci spe deludant, se extra ecclesiam salutem consecuturos; hujusmodi errori veluti tutissimum Fidei scutum, opponenda est doctrina unitatis Ecclesiæ, et inviolabilis communionis necessario habendæ cum centro unitatis. Caveant igitur qui cum hujusmodi viris, vel scriptis vel coram tractant, ne illos in suo errore confirment. Sed potius cum Hyeronimo semper clamemus: 'Quicumque extra hanc domum agnum comederit profanus est; si quis in arca Noe non fuerit, peribit regnante diluvio.'"

* Acta et Decreta primi Concilii Provincialis Westmonasteriensis. P. II. Decret 7. It may be useful to observe that the proceedings of this Council have been formally approved by the Holy See.

We have always felt and spoken with regard to Mr. Phillips, as his position in the Catholic body, and his services to the Catholic cause undoubtedly deserve; in the present instance he himself formally submits his essay in all things to the judgment of the Church, and we are anxious, once for all, to disclaim any intention of referring to a deeper cause than what we have already indicated, many peculiarities of thought or expression which will painfully jar on the feelings of his Catholic readers, and may perhaps, in other quarters, give rise to a serious misapprehension.

For it will be a misapprehension, complete and most deplorable, if any man should be led by this pamphlet to imagine that a school of opinion within the Church has adopted the suicidal theory that she can treat on equal terms with bodies external to herself. It is of faith that the same Church which is apostolic and undivided is also universal. Complete in her own personality, in-dwelt by the very fulness of the Word of God, she stands among other religious communities with everything to bestow, nothing to receive. In the world and in history, there is none to share her prerogative. As truly as our Lord was alone and self-sufficing in the days of His flesh, when He walked along by the lake, and drew the apostles, one and another, to His side; so truly is she alone and self-sufficing, as she journeys on through time, calling the nations, one and another, to her obedience. Her call is a summons not to treat, but to surrender. It is the same to individuals and to communities; for communities outside her pale are nothing more to her than aggregations of individual souls; their organization is merely an internal economy of their own, unrecognized by her, and giving them no status in her eyes. She cannot admit a right to parley with her, founded on claims the very assertion of which is treason against her supremacy. She sits as judge in her own controversy, and the only plea she admits is a *Confiteor*, the only prayer she listens to a *Miserere*. If a practical question were to arise, therefore, about receiving into her communion some external body, e.g., of Eastern schismatics or English Protestant dissenters, she would insist, in either case, on dealing with the applicants entirely according to her own view of their position, without the slightest regard to their opinions on the subject. Thus, on whatever points she judged them to be heretical, she

would require them to abjure their heresy, whether they considered themselves unorthodox or not; in whatever points of discipline she found them opposed to her own practice, she would exact conformity—except so far as she might give an indulgence out of mere grace. In other words, she would treat them, from first to last, just as she treats an individual convert; not repealing her law, but simply bringing them beneath its yoke; not changing the order of her life, but simply incorporating them into it. So that to estimate, at a given moment, the probability of their union with her, we need not attempt to gauge any fancied fluctuations in her bearing towards them, but only to ask what are their own dispositions, how nearly they are ready to throw themselves at her feet, without condition or reservation, simply accepting what she declares, and renouncing what she condemns.

Except by way of illustration however, it is not with Eastern schismatics or Protestant dissenters that we are now concerned. Mr. Phillipps has confined himself almost exclusively to the question of a union between the Church and the English Establishment, and we have no intention, in the present article, of entering on a wider field than this idea will open out. We only propose to consider what such a union implies, and what indications of its likelihood are at present perceptible around us.

Now, first of all, at the very outset of the inquiry, we are met by a fact which must be carefully observed, because it will show us that the Establishment differs, not only in matters of detail, but generically and constitutionally, from the forms of Protestant dissent with which it is surrounded; so that we can hardly speak of its "union" with the Church in the same sense that we should of theirs, and shall have to discuss the probability of such a union not merely with reference to the common standing ground of Protestant religions, but with reference to a character and position which belong to the Establishment alone. English Protestant dissent manifests itself, for the most part, under the form of communities, each grouped round some positive doctrinal definition. In such a definition the community recognizes its idea, and in the community that idea finds its development. They answer to one another, they rely on one another, they act and react, constitute a system, follow an order. Their life becomes self-conscious and self-dependent. They work out a theology,

harmonious as far as it goes, and proceeding to the limit which the idea originally imposed. Take the instance of Wesleyan Methodism. It originates in a dogma about sensible regeneration, around which its whole teaching revolves. The dogma becomes a formative idea; it creates the community, guides, checks, rules its course; marks out its work and its destiny; differentiates the body, and characterises its members. So, again, the Society of Friends has its life and being in a peculiar doctrine of the inward light, and Irvingism is the expression of theological propositions put forward by its original founder. But the Establishment belongs to an altogether different sphere. It is not a body of men joined together by the common acceptance of some dogmatic statement. On the contrary, its members and officers attach themselves to widely divergent systems of belief. Nor has it any doctrinal continuity, for the schools which have successively sprung up under its influence have as little agreement or consistency with one another as articles in the *Times* newspaper. There is no set of theological propositions on which a man can lay his hand as constituting the idea on which the Establishment is formed, the principle of its systematic action, and the explanation of its history. From an ecclesiastical point of view, it has neither idea, nor principle, nor history. It has no ascertained teaching, no developing vitality, no consciousness of itself. It is neither a system, nor a person, nor a being of any kind, but simply a condition. It is a condition of the civil government; not at all a necessary or even a normal one, for the state existed many centuries without it in the past, and will probably exist without it again; but one by which, in point of fact, the civil government is at this moment affected, and which, of course, could no more stand by itself than any other condition could stand apart from the thing which it conditions.

When we speak therefore of bringing about a union between the Catholic Church and the Establishment, it is obvious that we must give the words a very different meaning from that in which we should employ them if the question related simply to the Church and such a body, e.g., as the Wesleyans. In this latter case we should have to deal with an organized, independent corporation, not only capable of expressing its own will, but, what is even prior in importance, having a will of its own to express.

We should stand face to face with a moral person. But all this is altered when we come to treat of the Establishment. Neither reason nor imagination could suppose the Church coming into actual contact with that soulless, impersonal phantom. When we talk of her union with it, we mean in reality her union with the civil power, which is its life. We mean to contemplate an act by which the three estates of the realm should recognize the Pope's authority, and return to their allegiance to the Holy See. This is the sum and substance of the only union conceivable in the case; and supposing it once accomplished, the Establishment would be *ipso facto* extinct.

We shall not accuse Mr. Phillipps of having estimated too highly the blessing of such a consummation. "L'Eglise manque à l'Angleterre, et l'Angleterre manque à l'Eglise," and Catholicism in these days could gain no more brilliant or substantial triumph than in the satisfaction of this mutual want. It is not merely that religious unity would, at once and of necessity, put an end to all such internal difficulties as the Educational question, and the Maynooth question, nor that, in the adoption of a creed which knows how to meet and conquer the philosophical superstitions of the East, we should be saved from the humiliating alternative of either pandering to those superstitions or resigning our Indian empire. But Catholic England would hold a place and exercise an influence in Europe which Protestant England never can attain; and more perhaps than that of any other great power; it would be her natural policy, to support the Holy See with generosity and firmness. And then again, what a boundless field of missionary work would open out before the converted nation, in those new lands which its sons are peopling, far in the South, and North, and West. What a glorious instrument for evangelizing the whole earth would it find in a commerce which leaves no shore unvisited, and a navy which sweeps over every sea. If we want to see the kingdoms of this world becoming once more, in very truth, the kingdoms of our Lord and of His Church, then, so far as human calculations go, we must work and pray, above all things else, for the conversion of the English people.

But it must be a real, spontaneous conversion of the people, and not a mere official reconciliation of the government. Nothing great but loss and disappointment would

come of such a reconciliation, nor—let us be pardoned the truism—is it even possible in itself. Mr. Phillippus writes as though plenipotentiaries from a court or two might arrange the creed of England, as they would settle the boundaries of Turkey; as though a cabinet measure, carried through a Parliament by ministerial majorities, would make England Catholic to-morrow. He appeals to “statesmen and legislators,” and “learned divines,” as though the *ὀι χριστες* of society had the matter altogether in their own hands, and the nation went for nothing. The nation, we suspect, would soon show any “statesmen and legislators” who might make the trial, that it held a very different opinion. All great political changes in this country begin not from above but from below. And this, not by mere accident; it flows naturally from the genius of our institutions; it is a part of their very working. Our government does not originate so much as interpret and administer; and our laws, instead of creating the national sentiment, for the most part only define it. We may like this or dislike it, but it is a fact which we cannot ignore. Catholicism, if it is to become the law of England, must become so in the same way as Parliamentary Reform or Free Trade. Let a ministry only begin by entering into negotiations with Rome, and its fate as a ministry is sealed: but once convert the people, and the government will find itself Catholic by the mere force of recognizing a fact. And thus the inquiry we are pursuing gets clear at last from the haze of diplomatic contingency and party politics, and resolves itself into the simple question, what are the forces now at work among us in the interest of Catholicism, and what is their respective strength and value?

Look out then over the face of England. Analyse the life and character of her people, the strange compound they present of littleness and grandeur, of high resolve and paltry motive, noble achievement and despicable aim. Mark how their hearts beat, and their pulses throb, and their fibres quiver in the great race of the world for power and gain; and yet how often they will turn aside, of their own deliberate will, to perform some act of mere duty or kindness. See how they dare all enterprise, face all difficulty, endure all delay; how they gather up their energies, time after time, for some great purpose, or even to fling them wantonly away in the exulting consciousness of their strength,—self-relying, self-controlling, self-asserting, self-

worshipping. Go on into detail. Trace the lines of thought that run through their literature and pervade their social intercourse. Listen to the words that are spoken, day after day, in their markets and workshops, on their platforms, from their pulpits, by the very bedsides of their dying. What an abounding excellence do they show in the order of nature; what an utter unconsciousness of the order of grace. Upright, firm, collected, generous, who shall convince this people of sin, and justice, and judgment? Who shall draw them out of the circle of their own cherished thoughts and aspirations, and win their incredulous ears to a new revelation which proclaims the kingdom of heaven set up verily amongst men? Who shall persuade them that on this earthly life of ours has come the living contact of the Son of God? Is it not indeed a hopeless task to make them realize the Supernatural?

So we might question if, forgetful of the Supernatural ourselves, forgetful too of all the great works of God's Providence among us for this twenty years and more, we were simply to sit down and compare the end before us with the means visibly at our disposal for effecting it. Thirteen bishops and a thousand priests, to a population of eighteen million souls—these are the statistics of the English Church. Does it not seem a very madness to dream of victory in such a contest? And yet there were but thirteen in that chamber at Jerusalem on whom the Spirit fell, and their sound has gone forth into all the earth, and their words unto the ends of the world. There were but forty monks who landed with Augustine on the shores of Kent, and they won the Anglo-Saxon race to ten centuries of faith and love. The conditions of the battle, it is true, are something changed since then. We bring back the treasures of the kingdom of God, and offer them to a people who have once possessed and rejected them. We preach the revelation of Jesus to men who have thrown away their virgin energies of mind and heart on false, impious philosophies; who have run through the whole round of intellectual debauchery, and can only come to Him at last, worn out like the Magdalen, and seeking in His wounds a medicine to heal their sickness. But if sin abounds, much more does grace abound. The stream of it grows deeper, broader, fuller, stronger, year by year, as new stars shine out in the brightness of Mary's glory, and

the crowd of Intercessors thickens on the steps of the eternal throne. Through all this miserable three hundred years that the Establishment has been set up in England, what has it been but an unwilling and unconscious minister to the future victory of the Church? By the long, bitter anguish confessors have borne at its hands, in persecutions under every form, social, political, religious; by the pangs of every martyr it has sent to the scaffold or the stake; by every cry its blasphemies have wrung from the agonizing love of saints;—from first to last, it has done nothing more than treasure up, in the garner of God, rich stores of merit, for the strengthening of the hands that at last shall smite it down. The priest goes out to his battle against it to-day, and from amidst the busy throng of our cities, and the calm village homes, and the quiet listlessness of the country town, men gather round him; and his words are gifted with a strange, unlooked for persuasiveness, drawing souls wonderfully into the kingdom of God; and then the mission takes root, and Satan stirs up the ministers of the national religion, and they measure swords with it, and fail; and in a little while a church has sprung up in the heretical neighbourhood, and the workmen are telling their beads before the Blessed Sacrament at night, and the lighthearted children at their play are singing hymns to Mary and Joseph. Oh, *Laudate Dominum in Sanctis Ejus!* for all this is not the work of our hands. It has not come of the mere force of human reasoning, though many a man has been inspired in these days to cast at the Church's feet the whole power of a rich and chastened intellect. It is not the result of mere unity of purpose, though Catholics alone, amongst the classes of our society, are pursuing one definite object with the whole energy of a concentrated will. But it is emphatically God's answer to that tale of wrong His servants have been year by year unfolding before Him, from the days when Fisher and Campion resisted the Establishment unto death, down to the last friendless serving girl who has lost her place, and gone out into the world to beg or starve, rather than partake in its abominations. The spectacle of their enduring patience, the meek supplications of their unhonoured sanctity, have won this crowning grace at last from the Compassionate Heart of Jesus, "*per viscera misericordie Dei nostri, in quibus visitavit nos Oriens ex alto; illuminare*

his qui in tenebris et in umbra mortis sedent, ad dirigendos pedes nostros in viam pacis."

It would be a pleasant task to wander on through the streets of the New Jerusalem, and count the rising palaces that bear witness, on every side, to her power and progress. But our work is rather to stand upon her walls, and peer out into the darkness that lies beyond them, to ascertain, if possible, the causes which are urging men to flee out of shadows in which they have dwelt, and to seek for refuge within the circle of her towers and bulwarks.

Now, the first characteristic of English society outside the Church is its restlessness of thought. The old conventional beliefs in which it has grown up, which fitted into its structure with such admirable adaptation that they seemed almost a part of its very essence, have been broken up by the sudden crises through which it has passed, or they are even now crumbling away under the influence of habits and ideas with which they are not homogeneous. The whole plain, as we look, is strewn with the wrecks of them, and their former tenants, dislodged and unsheltered, are wandering about, seeking rest and finding none. Some are hovering, like doomed spirits, round the spots they can no longer inhabit, but yet have not the courage to forsake altogether. Others are turning their faces first in one direction and then in another, roaming in circles, and losing their way altogether. Others, again, are rushing on hither or thither with all the eagerness of desperation, absorbed in the race, regardless of obstacles, reaching the goal only to make it a fresh starting point. Crowds mingle with one another, and then divide, and melt away, and form again in new combinations, with no apparent principle or method. The seething mass waves to and fro as if the wind moved it. And all along, under a canopy of brooding darkness, swell up the loud, harsh cries of Babel, uttered by all and listened to by none; till, as we gaze down on the turmoil of that scathed and blackened plain, it seems as though our eyes beheld the unchecked revelry of the author of confusion, as though the thousand years of his binding had run out, and he had gone forth, in the final outburst of his malice, to seduce and mock the earth.

But watch the scene more narrowly, and an order begins to unfold itself. Slowly but certainly, drawn on by an invisible power, beneath the influence of whose spell they

struggle in vain, the great masses are tending in two opposite directions, gravitating each towards a point at the very extreme limit of our view—one half pursuing the idea of dogma till it leads them to the gate of the eternal city; the other following the dark spirit of negation to the very edge of the bottomless pit. There was a time, perhaps, to each man, when he stood committed to neither side, pausing to make his choice; but from the moment that he did make it, he fell under the law of consequence, and that stern, pitiless law has driven him on ever since, and will drive him on to the end. One step in his path follows another by a practical necessity as inevitable as the conclusions of mathematics. The only way to escape is to turn round and flee. And many a man who is yet on the high road to utter infidelity would turn round and flee, if he knew the goal to which he is hastening; but, so it is, that while every man perceives, by a sort of intuition, the end of his neighbour's course, few men discover the conclusion of their own till they have virtually attained it. There is nothing inviting in negation. No man accepts it till he has first done violence to the constitution of his nature. And if it were only made clear that the alternative lies at last between the abyss of scepticism and the creed of Pope Pius, good men's traditional hatred of Rome would be as nothing compared with their instinctive horror of unbelief; and all that is high in principle, sound in thought, noble in sentiment, vigorous in action, would range itself without doubt, or hesitation, or delay, beneath the banner of the apostolic Church.

Whatever tends, then, to establish the reality of this terrible alternative, is so far working in the interest of the Church. That chain of irresistible deduction which drags men down from a simple rejection of the Pope's supremacy to a denial of the visible Church, the Incarnate Word, the revelation and the Personality of God, is but an unintended homage to the fact, that if there be such a thing as truth, then there must be such a thing as a Church with the attribute of oneness, to define and manifest that truth. Faith rests on infallibility, and infallibility cannot exist where unity is destroyed, and to reject the symbol and guarantee of unity is to cast away the anchor of faith. And if the argument is too often urged, from the side of infidelity, to disprove the first part of the creed to those who already stumble at the last part of it,

still it has not, on that account, proved the less efficacious in a precisely opposite direction. "The whole system of belief," it says, "hangs together, you cannot take it piecemeal;" and the conclusion is easily accepted. But when it goes on to add, "Reject all because you reject some," the principles of our inmost being rebel against the counsel, and cry out, "Rather, accept all, because you *cannot* reject all." Thought sickens at the prospect of a deified negation; and if the choice be indeed between Rome and nothing, then fight, and shrink, and tremble, as men may, it is to Rome at last that they must go. The *Westminster Review* may be considered as the type of a literature which takes the proclamation of this alternative for its peculiar mission. It is notorious in what interest the keen and vigorous reasoning of that periodical is employed, and yet we can reckon up convert after convert who traces back to it the beginning of his own conversion; and we cannot but recognize in the school it represents, one of the mightiest instruments which God is using, in this age and country, to unveil the essentially infidel nature of every system outside His holy Roman Church, and to drive His chosen ones to the home of their true obedience, beneath the royal feet of Peter.

A less obvious, perhaps, but certainly not a less real or powerful force in the same direction is the present aspect, as compared with the traditional teaching, of the so-called Evangelical party—a party which, in the wide extension of its name, now embraces the great bulk of English religionists, whether belonging to the Establishment or not.

No Catholic need shrink from paying his tribute of admiration to the handful of brave and earnest men who inaugurated the Evangelical movement. Cramped, distorted, and even grotesque as their theological conceptions were, they are nevertheless entitled to the praise of having boldly preached the need and efficacy of Divine Grace, in the midst of a society which had sunk into disbelief of its very existence. Their early disciples stand out in the dark history of the Protestantism of that day, as the only men who had any perception of the nature of the interior life, the only men to whom our Lord was in any sense the object of a personal affection. The tie that bound them together was not a system of barren intellectual truths, which had gained the assent of their minds, but it was the

vision of Calvary which rose before them, the gaze of the Crucified piercing to their inmost souls. Through all the dark mists of material heresy which clung around them, their eyes yet saw Him, however dimly, and their hearts yearned after Him, and their tongues, however imperfectly, bore witness to the mystery of His love. They gained, at least on earth, the earnest of a righteous man's reward, for the world cast them out as evil.

But, turn from these men to the present aspect of the School which professes to descend from them. For narrow dogmatism, for devotional coldness, for utter insensibility to the spiritual life, where, in the whole range of heretical parties, shall we find a parallel for the Evangelicals of to-day? What is there in common between the simpering cant that chimes from their pulpits, and the rapt enthusiasm of Wesley or Martyn? That stern protest against decent ungodliness, that thrilling proclamation of a Crucified Redeemer, that stirred English society to its depths in the latter half of the last century, what have they to do with the bland, unctuous bigotry of Exeter Hall, and the crowd of dainty formalists on whom it distils? No; a day has signally come to Evangelicalism, which comes sooner or later to every party outside the Church—a day when that portion of truth which gave nobility to its aims, dignity to its aspect, vigour to its will, passes away for ever; when the fire that at first was kindled from heaven dies out, and only leaves the burnt stubble to mark the place which knows it no more.

And this is not merely the conclusion to which a Catholic might, or must come, on looking at the Evangelicals from his own point of view; but it is also one which experience shows to be forcing itself, more and more, on the good and earnest among themselves. Trace the history of our recent converts, and how many of them will turn out to be men who were brought up in the principles of this school. Why have they left it? Simply because its own teaching led them to an issue from which it shrank. With their first ideas of religion it bound up the one absorbing thought of a personal God and Saviour. He hung before their vision, as they drank in with childish ears the story of His Cross and Agony. They felt His touch upon them in the earliest years of boyhood, waking up the keen devotion, the passionate loyalty of their young hearts. That touch has never left them. It has been more to them

ever after than all systems, parties, theories, ideas. It has drawn them on, by a strange mysterious attraction, far from their old companions; and yet they know, by a certainty which nothing can shake, that they have but followed on after the Guide Who was with them from the first. There has been, so to speak, a perfect identity in their lives, a consequence running unbroken from first to last. If they find themselves among new associates, it is not that they have forsaken the path on which they started out with their old ones, but it is these who have turned aside and left them. And this work of grace, which we see actually perfected in so many men around us, is not a thing merely of bygone years and past circumstances. It is repeating itself perpetually. There have been instances of it yesterday, and to-day, and there will be again tomorrow. Circumstances may hasten or retard its accomplishment, but they cannot cause, and still less can they prevent it. For it springs out of a law over which they have no control; and it must go on manifesting itself so long as the teaching of Evangelicalism shall reveal a Presence which the Catholic Church alone enshrines.

We could not have given at all a fair representation of the prospects of the Church in England without referring, thus briefly at least, to the Rationalistic and Evangelical schools. But it is, of course, to another quarter that our thoughts most naturally turn when we are considering the subject of conversions, and we shall now go on to notice, rather more at length, the present position and tendencies of what must be generically called Tractarianism.

We need not stop to prove that the principles of the Oxford movement led directly to Rome. That work has been done once, and till an answer to Father Newman's *Lectures on Anglican Difficulties* has been attempted, we may fairly conclude that they do not admit of one. But it will be as well to observe at starting what is the true range and extension of the movement itself, so that we may not be tempted to look for greater things from it than we have any right to expect. For Tractarianism, let it be remembered, is incapable of being the religion of a people. It is deficient in that boldness of outline, and breadth and simplicity of character, which enable a system to throw itself with success on the world at large. To grasp it, is to appreciate an endless variety of opposing controversial positions, a complicated mechanism of checks and counter-

checks the working of which it requires a special apprenticeship to understand. For this reason, plain people have all along disliked and avoided it. The Church has gained educated men from its ranks, and men of refinement or social distinction, but nothing more. The middle and lower classes it cannot give her, for it cannot attract them to itself. Its own power lies exclusively in another sphere, among scholars, critics, and gentlemen; so that, while converts from it are in most cases men of mark and influence, their numerical importance must always be comparatively small. And out of this characteristic springs another, equally important for us to bear in mind, namely, the extreme individualism of belief for which Tractarians are conspicuous. Each one sits on his own tub, and blows his own bubble, without reference to the gentlemen round him who are engaged in the same elegant occupation. There is no community of ideas amongst them. Those who remain in the Establishment remain each on the strength of his own individual view,* and those who submit to the Church, submit, for the most part, each on his own grounds of conviction. Since the party lost its first leader, it has become a commonwealth where all men are equal, where all principles are submitted to criticism, and all crotchets indulged. No doubt, its individual members hold a larger number of dogmas than the individual members of any other Protestant party, but strike off that portion of them which is peculiar to this man or that man, and is not

* We do not forget that many Tractarians profess to remain in the Establishment because some other particular person does so; but this, of course, is quite a different thing from sharing that person's "view." To be a Protestant because "there can be no danger while Dr. Pusey remains with us," or because "one must feel safe in the same communion with John Keble," is not to accept the grounds on which those two gentlemen endeavour to justify their schism, but only to maintain a peculiar theory, to the effect that the presence of Dr. Pusey, or the membership of John Keble, is the *articulus stantis vel cadentis Ecclesie*—a theory which, it may be observed in passing, has the singular property of compelling the authorities in question, whenever they are appealed to about it, either to condemn the ground on which the trust of their disciples is based, or else to forfeit their own claim to the virtue of humility, i. e. either to deny or to destroy the last note of the Church which God has been pleased to leave on earth.

held by the rest, and the residuum, which belongs to them all in common, will be a smaller one than would result from the like process, when applied to other parties; besides which, the diversities are more marked in themselves, and extend over a wider range of subjects, than would probably be the case elsewhere. And thus it happens, that if we wish to treat with the party on its common party basis, we have to confine ourselves to very elementary ground; and if we go on at all into detail, we must be content to come in contact with very small bodies of men.

No one, however, will deny, and the author of "*Church Parties*" distinctly admits, that the fundamental principle of the Oxford movement was the idea of a Church endowed with authority to define revealed truth and transmit sacramental grace; and it is obvious that every man who accepts this idea intelligently and honestly is on his way to the Catholic Church. Let us see then what is the present position of the Tractarian party with reference to the principle on which it was founded.

When Father Newman submitted to the Church, he published an essay, the object of which was to trace a connection, both necessary and actual, between the Holy See and the definition of revealed Truth, and, by consequence, to disprove that connection which Tractarianism assumed between its own idea of a Church and the existing English Establishment. For, of course, if it turned out that the Establishment failed in one of the essential attributes of a Church, there remained practically no question for discussion as to its possessing the other; it simply did not fulfil the requirements of the idea, and that fact was conclusive; whether the deficiency were more or less, was a matter of no importance. Whatever forms then the controversy between Tractarianism and the Church might have previously assumed, it was reduced to a single issue by the publication of the *Essay on Development*. Tractarians were then brought face to face with the question, Is the Pope essential, or is he not essential, to the definition of Christian doctrine? Is it possible for a body out of communion with Rome to guarantee to its members the possession of revealed Truth?

To those who asked this question in the interest of the Establishment, events soon gave an answer.

The queen appointed a Sabellian to the See of Hereford. It was an open challenge to the whole "orthodox" party,

and as such they eagerly accepted it. Their pamphlets teemed with argument and invective; their newspapers rang with indignant denunciation. Thirteen fathers of the Establishment implored the Prime Minister to reconsider his choice. Bodies of the national Clergy protested against it. The Dean of the threatened Cathedral even wrote a letter in which he "intimated his intention of violating the law," and, when the crisis actually came, he abstained from giving an unnecessary proof of the readiness with which he obeyed it. But the great dogma of the Royal Supremacy was vindicated after all. The Prelates had dashed in vain against that rock on which the Establishment is built; the Dean found his seal affixed to the document of election; and clerical protesting elicited the Primate's declaration, that he "proceeded in the execution of his office, to obey Her Majesty's mandate for Dr. Hampden's consecration." *Causa finita est.* The "consecrating Bishops" sang *Veni Creator Spiritus*, and laid their hands on the head of the kneeling heretic, and sent him to his benefice "to banish and drive away all erroneous and strange doctrine contrary to God's word," "and to teach or maintain nothing as required of necessity to eternal salvation but that which" he should "be persuaded might be concluded and proved by the same." Here was indeed a strange comment on the "prophetical office" of the Establishment. But the end was not yet. If Tractarians had expressly sought out a vantage ground on which to fight their battle, they would have chosen the doctrine of Baptismal regeneration. Beyond any other on which they especially insisted, that doctrine stood out definitely and prominently in the national formularies, and it was more vitally bound up than any other with the teaching of the party on the whole range of subjects connected with the interior life. This vantage ground was given them. Dr. Philpotts refused institution to a clergyman who denied Baptismal regeneration. The clergyman appealed to the Arches Court, which gave judgment against him, and then to the Queen in council. Her Majesty annulled his condemnation. The case went back to the Arches Court "that justice might be done," and that Court, at the bidding of the Superior one, reversed its own previous judgment, and instituted Mr. Gorham to the vicarage of Bramford Speke. There he remained to the day of his death, teaching a deadly heresy in the name of the Estab-

lishment—and teaching it not secretly or on his own individual responsibility, but openly before all men, with the express, uncontroverted, formal authorization of the highest “Church Court” in the realm.

In the face of these events it became absolutely necessary to modify the Tractarian position. That theory of the Establishment on which it rested was now exhibited in direct antagonism with facts, not only unquestionable as facts, but also legitimized by the highest sanction which the theory itself contemplated. After Mr. Gorham’s institution, it would have been a palpable absurdity to deny either that the Establishment was formally committed to heresy, or that it was actually propagating it. Accordingly, the high ground of an indefectible orthodoxy was abandoned (except by Mr. Sewell), and the case was made to rest on a hoped-for rejection of the Privy Council judgment by members of the Establishment at large. “What has been done,” it was said, “has not been done by the Church; it is the State’s work; the Church will repudiate it; she will clear herself from all participation in it, and come out of the trial stronger and more beautiful than before.” A monster protest was to cancel the past, and a new Court of Appeal was to give security for the future. But the scheme failed in both its parts. Men would reject neither the judgment nor the Court which pronounced it; and as this became more and more evident, the Tractarians who remained in the Establishment split into two distinct sections. The great mass of them, with the *Guardian* at their head, simply laid down their arms. They had fought the battle and had been defeated, and the duty of God’s soldiers, they were pleased to think, was to acquiesce in the devil’s victory. So, advisedly and deliberately, they “accepted their position;” and thenceforward they are lost among the common crowd of heretics, from whom we can only now and then distinguish them by some antiquated crotchet, or political manœuvre, or by the bitter malice of some libel on the faith or morals of Christendom. But a better and more hopeful, though an infinitely smaller section, rejected the *Guardian* policy with disdain. “The Church of England,” said the *Oxford University Herald*,* the *Union* of 1852, “is now

* In 1852, this paper, we believe, was mainly written by gentlemen who are now contributors to the *Union*. Whether, since that

lying under the imputation of deadly heresy. If she is to accept the Gorham judgment, it will matter little that her Convocation is resuscitated. Her very life will be gone; and whatever activity she may seem to display, will be nothing but a hollow mockery—the sickening contortion of a galvanized corpse.” The object of this party was to revive “Synodical action,” for the one great end of ascertaining, as they thought, whether the Establishment claimed to be an authoritative exponent of revealed Truth, or whether the deposit of faith had been committed to the keeping of other hands. By the issue of such a trial they were ready to abide; and, pending it, their work was to maintain still a position of unequivocal and irreconcilable antagonism to the double tendency (1) to sanction the conversion of articles of Faith into open questions, and (2) to admit the interference of secular courts in spiritual affairs. The existence and spread of this tendency they did not attempt to conceal; on the contrary, they proclaimed and denounced it. And they made no secret of their conviction, that if such a tendency should ultimately triumph, it would be impossible for them to remain in the Establishment any longer.

As we look through the more recent manifestoes of these men, however, we miss altogether the idea of that test which they proposed for the final settlement of their position. On the Gorham Judgment and its remedy, the *Union* is as dumb as the *Guardian*; and the writer of *Church Parties* never attempts to face it, from the beginning to the end of his sketch of Tractarianism, though he professes to give a special consideration to the “dogmatic history” of the party. No one is looking forward now to a Synod at which the judgment is to be definitely accepted or condemned. No one is working now, as the men of 1852 were, to gain, at all hazards, a corporate decision on this fundamental question of life and death. We are not complaining that the pursuit of a phantom has been given up. But, phantom as it was, it placed a term, at least in theory, to the endurance of compromise and vacillation. It gave something of intelligibility to the battle

time, their teaching has advanced towards Catholicism, or receded from it, will be painfully apparent, if not from the statement in the text, at all events from a comparison between the two journals.

that was fought in its name, something of conceivable aim to the position that logically depended on it. We are not now concerned to investigate the causes of the surrender, but the fact of it is patent to every one. The idea of an ultimate test on which these men founded their position five years ago, is clean swept out of their minds. They think or care as little about it now as if they had never advanced it.

And what, meanwhile, has been the fate of that twofold antagonism to the Latitudinarian and Erastian spirit which was to characterize their expectant policy? First, look at their treatment of dogma. If any Protestant in England was specially marked out for the championship of the dogmatic cause, it was Archdeacon Denison. Historical antecedents, natural temperament, and party position, all pointed to him as the very man to fight the battle, and to fight it to the death. Before a syllable condemnation of the Gorham Judgment had been heard from any other lips, his protest was before the parishioners of East Brent. Throughout the Education controversy, he had shown a vigilance which never wearied, and a self-sacrificing courage which never failed. To friends and foes alike, he had become the very type and ideal of a defender of orthodoxy; and, when he came into the lists to fight for it, he came with the triple armour of a clear head, an honest heart, and a stubborn will. And yet, to what has this man been driven? Arraigned before the Courts for doctrine on the Eucharist, which yet falls short of what writers in the *Union* maintain, he has been compelled to rest his defence on the absence in the Establishment of any dogmatic teaching on the subject. That a school within it has maintained his opinion, and that its formularies may be so interpreted as not necessarily to contradict it, is that part of his plea which is least repugnant to Catholic instincts. But, in effect, the defence goes further than this. It draws out, in order, the Eucharistic heresies of the Establishment, and founds on the fact of their toleration, a claim that the Real Presence shall be tolerated too. It is truth seeking to make terms with error; the disciples of Jesus demanding for Him a niche among the demons that crowd the Pantheon. The issue of the claim is comparatively immaterial, so far as the position of Tractarianism is concerned: the point lies in the claim itself. Let the Privy Council deliver what judgment it may at last,

the pregnant fact remains, that this extreme section of Tractarians have accepted, in 1856, the very position which they denounced as fatal in 1852; that they have solemnly fought for their right to hold the Real Presence as a matter of human opinion, and sent George Antony Denison down to posterity as the champion of open questions. Surely, one would think, the men who have done this can fall no lower; they must have reached the very limit and goal of party declension. But no. Even in this lowest depth they have found a lower still. One more abandonment of principle was open to them, and that one more they have accomplished. For look next at their opposition to the interference of Secular Courts in spiritual affairs, and what has its history been? We have as little sympathy with Mr. Westerton as we have with Mr. Ditcher; but his bustling narrowmindedness rises into something like positive dignity, beside the dereliction of principle which marks the conduct of his antagonists. What right had they to carry an appeal to the Privy Council unless Mr. Gorham had the same? On what conceivable principle does the Westerton judgment bind Evangelicals and Rationalists, while the Gorham judgment leaves Tractarians untouched? Either the Privy Council is, or is not, a court legitimately exercising authority in the spiritual affairs of the Establishment. If it is not, then the Westerton judgment given by the Arches Court remains binding on the conscience of every Tractarian, and the reversal of that judgment counts for nothing. If it is, then Baptismal regeneration is no dogma in the Establishment, but a mere matter of human opinion; and Mr. Gorham had as good a right to teach his views about it as Dr. Phillpotts or Mr. Liddell.* But here we have the

* Our present purpose does not require us to pursue the argument any further; but it is obvious that the position of Tractarians is, in reality, worse than we have represented it above. For, while they are bound by their own principles to repudiate the Privy Council decision in the Westerton case, on account of the quarter from which it comes, they are bound by the same principles to accept it in the Gorham case, because it was endorsed by the Arches Court. So that they are losers both ways, and cannot consistently maintain either their faith or their ritual. And even this is not all. The Westerton judgment condemns stone altars, and everything that implies the doctrine of Sacrifice; and it is

self-same men whose continuance in the Establishment was based on a protest against the spiritual jurisdiction of the Privy Council, invoking the exercise of that jurisdiction on their own behalf, intrenching themselves behind its sanction from the censure of the supreme "Church Court" in the realm, and thus deliberately casting to the four winds of heaven the last fragment of their traditionary principles.

And is this indeed the end of that noble party which has won for itself so proud a place in the history of the great Catholic revival?—that party which, but a few years ago, was attracting to its side the flower of English intellect, and gentleness, and honour, and laying its brightest conquests loyally upon the altar of the Church of God? Alas, alas, "how is the gold become dim, the finest colour is changed, the stones of the sanctuary are scattered in the top of every street." Careless of warnings strewn along its path, defying judgments thundered on its head, the Tractarian party has been dragged on step by step to reject, with a precision which appears almost judicial, every one of the main principles on which it had successively founded its position. It has pursued its downward course year after year, till it has positively measured the whole interval of theological and intellectual declension which lies between Father Newman and Mr. Frederick George Lee. We have placed this gentleman's sermon at the head of our article, not for its intrinsic merits, which are small, but because, as Editor of the *Union*, he must be regarded as the leader of the forlorn hope of Tractarianism. And it is difficult to imagine a sadder evidence of the decline—controversial, devotional, and doctrinal—of that school, than this representation of it affords us, when he stands up and gravely assures his followers that the schism of the Sixteenth century was the work of Leo the Ninth; that it would "weary and pain" them to listen to the acts of the martyrs; and that, at the day of judgment, our Blessed Lady will—what do our readers suppose? why—just escape being cast into the exterior darkness!*

received by Tractarians with gratitude and delight! We state the fact; there is no need to comment on it.

* "Sad was the day when the legates of the ninth Leo laid their master's sentence of excommunication against the Eastern

is the teaching of the chief, the subaltern should thus gleefully describe the communion in which he proposes to live and die,—

“The specialty of our position, as distinguished from other portions of Christendom, is this:—that whereas a wider range of questions is, practically, left open among us, our differences have a deeper basis and involve a more earnest antagonism. On such doctrines as the Trinity, the Incarnation, or the Atonement, the living authority is decided, and a party could scarcely be formed. We are far from denying that doubt and disbelief exist among us even on such points as these. But that disbelief, if expressed at all, is veiled under a haze of metaphysical speculation, or covertly directed against the consequences rather than the formulas of faith. It is otherwise with the questions of Faith, Sacraments, or Grace. On these matters the living voice of authority is silent, or gives but an uncertain sound; and, accordingly, theories the most absolutely contradictory are definitely elaborated and openly proclaimed.”—*Church Parties*, p. 12.

This confession was originally published in the *Union* of 2nd January. Six weeks later, the same paper (and, unless we assume a very unusual similarity of style in two different men, the same writer) in an article headed “Our Modern Nestorians,” gave a startling comment on the alleged unanimity of teaching in the Establishment “on such doctrines as the Trinity, the Incarnation, or the Atonement.” Not only is it admitted in this article “that those who reject the mystery of the Eucharist cannot rightly appreciate the dogma of the Incarnation,” but the imputation of formal Nestorianism is said to have been “conclusively proved against one section, at least, of the

Church, on S. Sophia’s High Altar, and departing from the gates of Constantinople, shook off the very dust from their feet against the Eastern Christians, whose almost only difference consisted in their refusing to acknowledge the Supremacy of the Roman Pontiff as of divine authority. That indeed was a dark day. Had Satan been unable to effect this division, later evils might have been warded off,” etc. pp. 10, 11.

“It would weary and pain you to listen to detailed accounts of those sufferings which the faithful of old underwent,” etc. p. 8.

“And as at the marriage in Cana of Galilee His Blessed Mother was present, so at this Great Marriage Supper of the Lamb she shall be there also,” etc. p. 16.

Evangelical party;" the words (quoted from Dr. Close) in which the heresy was expressed, are as little open to the charge of "metaphysical speculation" as any heretical statement we ever remember to have seen; and it is acknowledged that the doctrine they contain "was directed against the truth of the Incarnation, and implicitly disparaged the reality of the Atonement." The writer, indeed, says he was "scarcely prepared" for these facts when they came to his notice; let him have credit then for a want of acquaintance with the internal condition of the Establishment which is not quite what we look for in a writer who undertakes to present us with an analysis of it; but, at least, the facts had come to his notice when he republished "*Church Parties*" in June, and he ought then to have given us some indication of the way in which they are to be reconciled with his theory. He has chosen for the motto of his book, St. Augustine's words, *In necessariis unitas; in dubiis libertas; in omnibus caritas*; and contradictory teaching on "Faith, Sacraments, and Grace," is nothing more than Tractarians have long assumed to be perfectly consistent with the *unitas*, and a legitimate illustration of the *libertas*. But it is a step more in the downward course when we find them reckoning the great decision of Ephesus in the category of *dubia*, and measuring their *caritas* by the equanimity with which they can endure the fellowship of men who openly assail "the truth of the Incarnation, and implicitly disparage the reality of the atonement." *Ecce quam bonum et jucundum est fratres habitare in unum*. Let them mark it well, for it is the beginning of the end. It is the fruit of fighting for a position, instead of obeying a call. These men upon whose eyes the vision of the New Jerusalem has dawned, whose feet have all but trod the pavement of her Royal Courts, who know, by a profound conviction, the reality of God's indwelling in her, the hollow worse than worthlessness of the very system they are fighting to uphold—what are they doing now, in this crisis of their lives, but scorning reason, stifling conscience, listening to the tempter, as he whispers subtle blasphemies in their ears, to send them back—some more perhaps, some less, but all back,—where the Froudes and Pattisons have gone before them, into the outer darkness of heresy and unbelief. Oh, draw the curtain close over that fearful picture, and stay, good Christian, for one moment, to clasp the feet of your crucifix, and

say a Hail Mary for the poor souls that are turning away from the light in the day when God sends it to visit them.*

We have been obliged to dwell at what may seem a disproportionate length on this division of our subject, because it is to the party action of Tractarianism that Mr. Phillipps mainly looks for reconciling England to the Holy See. He himself had the blessedness of being called into the true fold long before the first number of the "Tracts" was written, and there is no disparagement to him in saying that he has utterly misunderstood the course of a movement which those can scarcely hope to follow with precision who have not been, more or less, a part of it. For individual conversions from its ranks we look with an assurance which increases every day, in proportion as the inconsistency of its party tactics, and the dereliction of its party principles become more obvious. But that Tractarianism should mould the Establishment, and, through it, the nation, is a thing of supreme impossibility, while the nation is composed of earnest, practical men, and Tractarianism remains the mockery of its own former self that we behold it. As a system, or a corporate agent, the life has gone out of it. Men may call themselves by its name, and talk big about their "position" as its representatives, but the name no longer means what it did ten years ago,†

* Mr. Phillipps says he is "not aware of a single instance of a High Churchman abandoning his own views to adopt those of the ultra-Protestant school." If, by "the ultra-Protestant school" he means the Evangelicals, his want of acquaintance with the history of so conspicuous a person as Mr. Alford, the present Dean of Canterbury, does not give us the impression of a writer who is very conversant with recent phenomena in the Establishment. But we cannot see why "the ultra-Protestant school" should not include the Rationalists as well as the Evangelicals; and, in that case, it is a pity that, before committing himself to such a statement, Mr. Phillipps did not consult his Anglican friends. They could have supplied him with scores of instances, many of them probably from among their own personal acquaintances, of men who, as the author of *Church Parties* says, "were once ardent disciples of the movement, but who have deserted to the ranks of.....the rationalists."

† This is fully admitted by the *Union*, which, though professing that of the Evangelical, Rationalist, and Tractarian parties, its "sympathies are with the last," yet in a series of articles headed "The Catholic Revival," regards what has hitherto been under-

and the position has ceased to be, in any sense, a moral reality. The salt has lost its savour, and wherewith shall it be salted? It is good for nothing any more but to be cast out and trodden on by men.

And this is precisely the fate to which Tractarianism has come. Of all the strange delusions palmed off on Mr. Phillipps by his Anglican friends, we wonder most at his notion that the area of Tractarian influence is extending. Seeing, indeed, what that influence has become, its spread would be a phenomenon more remarkable in itself than consoling to a Catholic mind; but facts certainly give us no warrant for attributing to Englishmen a disposition to accept, in the season of its tottering decay, that system which they repudiated in the freshness of its youth and vigour. We have already pointed out how entirely its success has been confined to the higher ranks of society; and the author of *Church Parties* fully endorses our remark by the broad confession that "twenty-five years of Tractarianism have floated like a breeze over the heads of the middle classes, and have scarcely made an impression on the poor." Turning even to the region of its comparative ascendancy, he expresses a "doubt if half-a-dozen Anglican churches have a daily celebration," and complains that there are "but two churches in London, probably in England, where candles are lighted at the mid-day celebration." Mr. Phillipps reckons up, on the authority of "an Anglican friend who is devoting himself to the restoration of Catholic unity," the number of places of worship built and restored of late in the Establishment. But he forgets

stood by Tractarianism from a wholly external point of view, and with no inconsiderable disfavour, as the following sentences will show:—"So far, then, from Tractarians having furthered the Catholic cause by their writings, they have positively injured it." "That the whole system was of a cramped and contracted nature is manifest from the avowal of Dr. Newman, the founder of the school." "On another account also we must say that the Tractarian party has hindered the spread of Catholic religion within the Church." "The doing so might promote Tractarianism, which we have seen is not desirable," etc. So too, in noticing a particular criticism on itself, the *Union* distinctly admits, that a person may be "well acquainted with the position of Tractarians some ten years ago," and yet have "the smallest possible knowledge" of their "position and feelings" now.

the impetus which has been given to works like these by the fact that they have long ceased to be, either really or in popular estimation, associated with the Tractarian movement—a fact which makes them as worthless for his argument as it is in itself important for our own. The same friend assures him that the Protestant seminaries at Cuddesdon, Wells, Lichfield, and Winchester, have been established “on principles quite similar to those laid down by the Council of Trent,” and that there are “no less than twenty sisterhoods” already in the Establishment. The seminaries it will be quite time enough for us to account for when the principles on which they are conducted bear some faint resemblance to those which are alleged to have governed their foundation; and as to the sisterhoods, we may leave it to Dr. Pusey to explain whether they have given him more satisfaction or distress, whether they have ministered more to the spread of Tractarianism or to the progress of “secessions to Rome.” But one instance is worth a thousand arguments, and the London Church Union is a tolerably conclusive one. This society is the only central organization which has any claim to represent Tractarianism; and every one remembers the bustle and eagerness with which it started on its mission, after the delivery of the Gorham judgment. It got up meetings, passed resolutions, pooh-poohed the Royal Supremacy, entered on a crusade against the Privy Council. It put out a declaration condemning the judgment, and, when that proved a failure, it set about flooding the country with little pamphlets of reports, and suggestions, and petitions, about “church questions” of all sorts. It was going to vindicate the whole outraged system of its party, to be a veritable *Collegium de propaganda opinione Tractariana* through the length and breadth of England. And now—will any one have the kindness to tell us what has become of it? For many a long year we have heard increasingly little of its operations. There has been a Gobat case, and it has not been roused into activity; a Denison prosecution, and it has scarcely given a sign; a divorce bill, and it has remained silent as the grave. On the last question, indeed, it is understood that till a short time before the second reading of the bill Mr. Beresford Hope had not “made up his mind;” and, of course, when the Pope gives no decision, there is nothing for the Propaganda to chronicle or disseminate. But whatever may be the latent

causes, the facts remain, and they sufficiently prove, without any comment of ours, the general and conscious decline of Tractarian strength in the country.* And then if we turn to the universities, the source from which any reinforcement of it must be derived, what hope do they give? Every one who knows the present state of Oxford and Cambridge knows that the intellect in them is ranging itself definitely on the side of rationalism. Look especially at Oxford. Since 1850, at least, Tractarianism has been gradually dying out, till, among the younger men of mark and purpose, it is now well nigh extinct. Let any man who doubts it examine the class lists of the last six or seven years, and trace out the religious association of the names he will find there. Or let him talk with the men whom tutors expect to do credit to their college, or who have weight and influence in any intellectual set. Almost without an exception, they illustrate what the writer of *Church Parties* calls "that intellectual pre-eminence which Rationalism has gained, or is fast gaining in Oxford now." For any body of men answering to those who, years ago, used to cluster round the pulpit of S. Mary's on a Sunday afternoon, it would be in vain to search. Their spirit has altogether passed away; and the very home in which Tractarianism achieved its first triumphs has become the crowning evidence both of the corruption that has eaten into its principles, and the decay that has fallen on its power.

It is but a cursory review which our limits have permitted us to take of the position and working of religious parties in England; but it has gone quite far enough to show us how precisely the interest of the Church with regard to them coincides with her simple, obvious duty, and with the course of her every day practice. From none of these parties, as a party, has she anything to look for but opposition. Religious thought, so far as it is systematized, outside her pale is definitely hostile to her teaching, and she has to set herself in open antagonism to it. But she has her consolation in the ever-increasing number of

* Since this was written, the London Church Union has published a manifesto, which must be gratifying to its friends, as a "sign," not indeed "of life," but at least of continued existence. It does not, however, require us to modify the observations in the text.

individual submissions to her authority. For the conditions of our society have brought back those times of her youth when "the Lord increased together daily such as should be saved." The tide of God's converting grace is washing the storm-tossed souls to her feet as it did in the days of the apostles; and now, as then, her great absorbing work is to seize them one by one, and draw them safely to the shore.

But here Mr. Phillipps interposes. "Individual secessions," in his opinion, only render "more brilliant the partial triumph of Catholicism," at the expense of that complete "reunion of Christians in the British Empire" to which he confidently looks forward; and he speaks of "the duty of *personal* return to unity" as one among "certain abstract truths" which, at a time (as he conceives this to be) when there is "a prospect of corporate reunion," it would be "indiscreet and unreasonable" to "press upon individual Protestants." This is only to say, in other words, that men may consciously remain in a schismatical communion without incurring guilt, so long as they add to the consciousness of their schism a desire to draw their communion out of it.* Mr. Phillipps is, of course, aware that this theory would be anathematized by every bishop in Christendom, and it is difficult to understand how he can overlook the fact that, by acting on its direct contradictory, the Church practically condemns it. Nor is there any conceivable reason for holding such language with regard to schism, which would not equally warrant its use when any other deadly sin is concerned, and which might not therefore cover a general conclusion in favour of doing evil that good may come.

But let us see how Mr. Phillipps himself justifies his position.

"The Catholic theory, if I understand it rightly, is simply the result and the expression of the commission given by our Blessed

* Since this article was in type we have seen a letter from Mr. Phillipps, in the *Weekly Register*, in which he denies that any proposition of this kind is involved in his theory. We cannot agree with him; but we gladly accept his assurance that, whatever may be the logical or actual result of his teaching, he admits no "justification of any one remaining in conscious schism, even to save the whole world."

Lord to His apostles, in the command He gave them 'to go and teach ALL NATIONS.'.....Let it be observed, the recipients of this teaching are to be, in theory at least, not a mass of individuals here, and another mass of individuals there, but *all nations*, that is, the French nation, the English nation, and so on."—pp. 27, 28.

Now if we *are* to be thrown back on the Protestant position—if, in this nineteenth century of Christianity, we are left to gather our notions of the true "Catholic theory," not from what we see the Church acting out before our eyes, but from some private interpretation of a Scripture text, then there is one permission for which—*pace* Dr. Cumming and Mr. Phillipps—we really must bargain. Biblical criticism, however acute, is apt to be in some degree unsatisfying when it is based solely on an English translation, and to infer a universal law from a single instance is not usually considered the soundest method of generalization. We must be allowed then to go a step beyond the vernacular phrase, and a step beyond the particular text, and this will be quite enough to show the futility of Mr. Phillipps's reasoning. For the modern sense of the word "nation"—the sense in which he uses it—embodies a feudal idea, which has been handed down to us from the middle ages, and neither had, nor could have had, any existence when the passage he quotes was written. Our Lord necessarily uses the term in its ancient, not in its modern signification, and the force of His words therefore is personal, and not territorial or diplomatic. He did not send the Apostles merely to preach national Christianity, and to negotiate concordats with the kings of the earth, but He threw them on the world precisely to bring about "individual secessions," whenever, and wherever, and however the Spirit should give them power. For the "gens" of the Vulgate means nothing more than the *ἔθνος* of the Greek, and St. Matthew's μαθητεύσατε πάντα τὰ ἔθνη is essentially the same command as St. Mark's, κηρύξατε τὸ εὐαγγέλιον πάσῃ τῇ κτίσει. It contemplates neither the French nation nor the English nation, as anything more than "a mass of individuals," every one of them coming under that law of faith, and baptism, and obedience, which the Evangelists conjointly lay down as defining the conditions of a personal entrance into the kingdom of heaven.

But Mr. Phillipps is not content with setting up a theory of his own; he calls in the Church to endorse it. And for

this purpose he appeals—after the very manner of that party with which he is seeking to ally himself—from her action here and now, to her action elsewhere and at other times. The Council of Florence, and the policy of Rome towards the oriental Christians, are the dust with which he blinds his eyes to the fact of her present attitude in this country. They prove, he says, that the true Catholic system is to deal with schismatics in their corporate capacity; as though the Church were less infallible in the nineteenth century than in the fifteenth, and Pius the Ninth more an oracle of God when he promises to respect the Episcopal bodies of the East, than when he ignores the hierarchy of the English Establishment. Mr. Phillipps reminds us of “the Eastern Christian Society,” and its comprehension of all, whether Catholics or schismatics, who approve the object for which it is instituted. But he overlooks the fact that, under whatever circumstances Catholics and schismatics are brought into religious contact, they meet on utterly unequal terms—the one party simply having the truth on all points at issue, and knowing that they have it; the other not having it at all. And, further, he completely overlooks the specialty of the position of those on whom his hopes for England are based. The separatists, whose membership the Eastern Christian Society contemplates are men who have avowedly doctrinal differences with Rome, and who are supposed to long for union while they yet feel that their differences constitute a bar to it. But Mr. Phillipps’s Anglican friends profess to hold the “whole Roman system” of doctrine. They have no difference whatever with the Holy See, except on the necessity of being in communion with it. To ask such men to pray for a union is to ask them to stultify themselves, to put themselves in the ludicrous position of first affirming that one dogma the rejection of which alone permits them to remain where they are, and then evading the practical consequence, on a plea that what is the business of people in general is the business of no one in particular. Certainly, of all the wild theories that abound in our day, we can single out none more preposterously uncatholic than that which maintains, at one and the same moment, that the nation ought to repent and be converted, and that the duty of any individual to take a

similar step is nothing better than a mere "abstract truth."

But while a Catholic, in the position of Mr. Phillipps, gives utterance to such teaching, no wonder that Protestants can be found who clutch at it with an almost desperate eagerness. It is but fair to the writers in the *Union* to say that, up to the publication of Mr. Phillipps's letters in that paper, they showed little disposition to adopt the view he has put forward.* But how it has infected their whole tone since then is, unhappily, too obvious to need any pointing out.† Nor has the mischief ended even here. We have been told of persons whom this theory has arrested on the very verge—we might almost say in the very act—of conversion; has seized and torn away, while they grasped the very horns of the altar, and given back for a prey to the enemy of their souls. But we will not dwell on the past. The evil that is done, man cannot undo; let it be remembered only in the stillness of His Presence Who can turn it to His own great ends; and let us address ourselves to the future. Mr. Phillipps has shown with what generous enthusiasm he can take up the defence of strangers; surely he will grant that some consideration is due to the grief and scandal of those who own allegiance to the same faith, and worship at the same altars with himself. We have spoken severely of what he has now written, for charity has compelled us to do so; but we have not forgotten the labours of love and devotion which have endeared his name to English Catholics, and we cannot resign the hope of seeing him yet in his accustomed place and sentiments, fighting under the banner of that authority to which God,

* The name of their paper is no evidence to the contrary; for we have been told, on indisputable authority, that it was fixed upon for reasons totally unconnected with the question in hand, and with theological considerations altogether.

† There is a painful impression among Catholics, that the *Union* numbers on its staff an Anglican clergyman, whose recent apostacy, within a few days of his conversion, has given him a sad notoriety. We are unable to speak with certainty on the subject, though we have strong grounds for believing that the impression is correct. But we mention it thus openly in order to give the *Union* an opportunity for contradicting—as we earnestly hope it may be able to do—a report which, if true, is so fatal to its own character, and to that of the party it represents.

and not man, has committed the guardianship of the Church.

Meanwhile, if our words should reach the handful of Tractarians who have been induced to accept his theory, and who, therefore, instead of becoming Catholics, are endeavouring to delude themselves with a dream of remaining in the Establishment "to work for Rome," we would earnestly implore them to examine their own consciences before God, and to see whether they are not mistaking, utterly and fatally, the end for which He sent them into the world. This mission that they claim—"to work for Rome"—whence comes it, and who laid it on them? Who told them that there was any work for them to do, in all the wide world, so urgent as the salvation of their own souls? Let them believe it, their first duty is to trample down this pride of heart, and to learn, in all humility, that God has given them, not a mission, but a call—a call to be converted, before He owns them for Apostles; a call to become loyal subjects of the Church, before they go out to fight her battles. Saints, when they gird themselves to some great enterprise, prepare for it by acts of self-denial and obedience. They bid farewell to the companions of their youth, and sever the sweet ties of home and kindred. The loneliness of the desert, the stern cloister rule, the austerity of willing poverty, brace the keen purpose of their wills, and nerve their energies to endurance; and the blessing of the Sovereign Pontiff, as it descends upon them, becomes the visible proof that God has consecrated them to His work. But these men, why should the world listen to them? Conscious rebels against the authority they proclaim, willing outcasts from the faith they preach, where is the obedience that gives reality to their design, or even the self-sacrifice that attests their own sincerity? Let them go and sell all that they have to buy the pearl of great price, and those who look on will begin to believe that at least they think they have found it. But of all things on the earth, this shallow, lifeless, unsustained pretension is the last to win respect from a people with whom practice is the constant test of theory, and men's acts the measure of the value of their creed. To preach the doctrine of unity, and at the same time to remain in schism, is only to set up a truth of the Gospel, in order to expose it to contempt. And if the conversion of England is to be wrought at all, most assuredly it will not be

wrought by men whose disobedience to the Church's law is the evidence of their devotion to her interests; who parade their reliance on some future, bloodless victory, as an excuse for present cowardice; and break upon the very stillness of the Passion* with that dastard cry, "Let us continue in sin that grace may abound."

"To work for Rome" is to submit to Rome: let those who question it appeal to Rome herself. If there be really any doubt in their minds upon the subject, no way of solving it can be more obvious than this, and certainly none can be more easy. For the universal, undivided Church of Rome is no abstraction of the student, no dream of the recluse, no timorous phantom shrinking from mortal sight and touch. She is a fact at every man's door. She throws herself upon the concourse of society, moves on the theatre of human action, speaks through the voice of living men. Her hierarchy is spread throughout the earth, confronting her life with the life of all nations, and declaring her will in the strength of a recognized commission. The streams of her teaching flow on for ever, from the centre to the uttermost bound of her visible organization, joining together, in one perpetual infallibility, the Apostles and their Prince, the collective Episcopate and the Chair of Peter. Wherever in the world her bishops can be found, there can her teaching be ascertained. It only needs that men should ask, and Rome will answer them—plainly, unhesitatingly, and in the name of God. She will not mock them with "the stammering lips of ambiguous formularies," wearying their souls with continual and hopeless contradictions. She will not throw them back on the arguments of learned commentators, or the theorizing of fluent pamphleteers. But she will meet them in the persons of her constituted representatives. She will speak to them, face to face, in the living language of authority. She will sweep away with a breath the clouds that circle round them, hiding the way of duty from their dim and failing sight. And to them that are willing in the day of her power, she will unfold the vision of eternal Truth—that vision which has not been revealed to her by the fallible deductions of earthly reasoning, and the laborious processes of human thought; but stamped by

* See *Union* for 19th April.

the miracle of Pentecost on her illuminated consciousness, and ever deepening through the gaze of eighteen hundred years, fixed full on the mystery of the Incarnate Word. *O clavis David, et sceptrum domûs Israel, qui aperis, et nemo claudit; claudis, et nemo aperit; veni et educ vincuntum de domo carceris sedentem in tenebris, et umbra mortis.*

ART. VII.—1. *The Stewardship of England.* A Discourse delivered by H. E. Cardinal Wiseman at St. John's Cathedral, Salford, 8vo. Manchester, Stutter, 1857.

2. *Relations of the Catholic Church in India, with the Hon. the East India Company's Government.* By the Very Rev. Stephen Fennelly, V. G., of Madras, 8vo. Dublin, Duffy, 1857.

3. *Il Governo Pontificio, e il viaggio di Pio IX. Risposta al Discorso detto da Lord John Russell nella Camera dei Comuni il 14 di agosto del 1857. Par Giacomo Margotti.* The Pontifical Government, and the Journey of Pius IX. An answer to the speech delivered by Lord John Russell in the House of Commons, Aug. 14, 1857. By James Margotti. Turin, 1857.

4. *Prospetto e Tavole Statistiche, &c.* Views and statistical Tables, relative to the movement of prisoners, and on the sick and dead in the penal establishment of Forte-Urbano, from Aug. 1, 1849, to Dec. 31, 1856. With comparative Tables between this, and the various prisons of the Sardinian States. Drawn up from authentic Documents by Alexander Bacchi, M. D. Corresponding Member of the Medico-chirurgical Society of Bologna, and House Physician and Surgeon to the above prison. 4o, Modena, Cappelli, 1857.

THE late facetious Douglas Jerold, who thoroughly understood the domestic English character, has drawn a faithful picture, of what no doubt has often happened, in the following passage. Mr. Solomon Jericho, before he became, through subterrene agencies, a "Man made of money," sits pondering over a remarkable night-mare sort of dream, formed in his brain from the double parentage of a racking carouse, and a money-exacting wife. After

much uneasy pondering, shifting his seat, taking up the newspaper, and laying it down again, he comes to the following sage conclusions; and with them, we leave him in his historian's hands. "Pooh? dreams were playthings for conjurors and gypsies; quite beneath the thought of a reasonable, a respectable man. He had often dreamt he had been hanged, and what had come of it? Nothing: good or bad. Mr. Jericho again took up the newspaper, and was endeavouring to interest himself in the affairs of the Pope, when the door opened. He winced, for he knew the feminine turn of the handle; he winced, we say, but manfully with the paper before his eyes tried to keep his soul apart—far away at the Court of Rome."

That is just it. It is quite right, quite natural, quite necessary, that at the breakfast-table of every orthodox believer in Church and State, where digestion is at all squeamish, there should be some compensation for dietary regulations; that, with the insipid cocoa, or taraxacum coffee, and dry toast, which have been prescribed to check civic dyspepsia, there should be presented something or somebody whereat one may fling one's headache, if not one's head, on which or on whom the contents of the bilious cauldron within may safely be poured, the more bitter the better.

Besides, in every well-regulated national establishment, we mean religious as well as political, where double service is permitted to God and Mammon, to heaven and earth, to virtue and vice, there must be provided some object which may be piously abhorred, and sanctimoniously detested, in which you may love God by hating your neighbour, which there is no sin but clear charity in calumniating, truth in lying about, and faith in believing anything about, without enquiry. Now who can satisfy all these cravings constitutional (in a public and personal sense) so well as the Pope, or the King of Naples? John Bull's protestant loyalty consists, first, in a contempt or a hatred of every sovereign except his own, and secondly, in an execration of every religion except his own do-little and believe-less system. And this combination receives its fullest enucleation in these two potentates.

Hence at the early portion of each day, alluded to, the newspaper has for years furnished the matter for the two morning exercises, the digestive and the spiritual. The spicy, juicy, yet bracing and tonic articles from Italy,

served up, day by day, answer both purposes admirably. They absorb supernumerary bile, and they supply the place of prayer. "Jesuit's bark" from Austria, "Monk'shood" growing rank in Rome, the "Deadly nightshade" that hangs over all Naples, mixed by the "Fox-gloved" fingers of a special correspondent, with a soupçon of "Nux vomica," something disgusting scarcely hinted at, about a convent, or a prelate, make a really wholesome compound for the morbid and cachectic habit of many a religious city, or country, gentleman. "May good digestion wait," with them, "on appetite." But certainly not even the fabulous Indian dish of "a tiger stuffed with tenpenny nails" would be an exaggerated symbol of the ferocity and grossness which compose the breakfast-full of horrors served up from the Continent day after day.

Nor, we sincerely believe, would anything else now serve the press's turn. Let us for a moment imagine the consternation which would be spread among thousands of daily readers, who like Mr. Jericho seek refuge from domestic griefs not to be outwardly vented, in "the affairs of His Holiness the Pope," were they to be told that glorious news had arrived from Italy; that all the states of that splendid peninsula had received constitutions perfectly copied from the British model, especially in the admission of all bishops into the Upper House; that our judicial system had been adopted, all codes being abolished, and our Statutes at large being in course of translation; that the Poor-law, and its rates had been gratefully accepted, and Unions were already being erected; that Sir C. Eardly had been invited over, with Dr. Cumming, to propose a scheme for religious toleration; that consequently the great mission of "our own correspondents" had been fulfilled, and they would be withdrawn! What would be the comments with which such news would be received? Would they not be such as these, "that such fellows were not worthy to have a constitution like ours," or that "they were only copying the worst parts of it, the very things we ought to get rid of," or that the reader "would be very sorry to be tried by their new system," or, in fine, "that the whole thing was a pretence, and that Italy would be as badly governed as ever." One thing would be universally felt: that to recal from one place the *splendide mendax* caterer to the *Times*, or from another the sneaking fibber to the *Post*, would be a public grievance, and shut up a

safety-valve to virtuous indignation, which 'might make domestic explosions positively dangerous. It had become a downright necessity to well-thinking people to believe that all Italy was on the eve of successful revolution, all burning with an eager desire to overthrow half-a-dozen thrones, to expel the armies of the foreigner, crush the rule of strangers, and set up a united nationality and restore a native empire. What more just, what more sacred? It was true this could not be attained without carnage and blood-shedding; nay the Brutus of this revolution openly advocated the use of the cowardly poniard; yet ladies lectured for him, and ladies and gentlemen, and nobles and clergymen still subscribed to his scheme. But whose blood was to be spilt? That of course of soldiers first, whose very pledge of honour lies in their blood: and after them, who but defenceless priests or monks, whose lives are not worth computing in the cash-book of the patriot? Red-handed revolution, vowed to massacre, might not only with impunity, but with panting cheers, be hounded on to a civilized, christian country, with reckless indifference what the future might become, provided the present ceased.

Now upon a people who have been thus treated, by those that pretend to express to them the minds and feelings of the British nation, how can we imagine the news to have broken, of the mighty calamity which has fallen on our Indian Empire? We speak not now of their sentiments on the frightful atrocities, the brutalities and hideous crimes that have accompanied it. On these there can be but one feeling, which no political, religious, or national distinctions can cause to vary. One unrelenting, unmitigated burst of execration must rise from every heart to every lip. Let us abstract from these; especially as the barbarous details which we have read are not translated in foreign papers, and as they reach their readers would not sound more horrible than what history has recorded, from the conquests of Nimrod to the raid of Hyder Ali. But let us imagine how the bare news would strike the minds of people who have long been made to hear the boastful note of England's just rule, which clothes her with invulnerable mail to her very furthest extremities; which makes her so fearless of fire, that she can afford to gather into her lap the incendiarism of all the Continent; so secure against earth's agitation, as

to be able to convulse other nations without apprehension—Heaven's fire and earth's quaking from a mightier Hand being quite forgotten—the bare news that a revolution planned and fermented in England had passed, like a summer storm along Italy's coast from Genoa to Naples and vanished away, and at the same time a tempest had shaken out, over the grandest portion of England's dominion, all the horrors, not of an émeute or a revolution, but of a rebellion, a civil war, an overthrow from summit to base of organised dominion civil and military, the steady growth of a hundred years. They hear that it had broken with a strange and rare combination of all that had been wished of evil to themselves, in all its awful suddenness and all its terrible completeness: that it had crashed down with all the overwhelming and crushing weight of the avalanche, all the steady aim of the waterspout, all the universal sweep of the tornado.

Can we complain, or can we wonder, if these countries see more than we affect to see, and read a handwriting on the wall, which we turn away from; if they interpret it by one word RETRIBUTION! And this word again may be read in a severer and in a milder sense. Let us take it in the second; and we will read it A LESSON. We know what may, and will, be said; that there is a great difference between distant colonies and home-subjects, barbarous heathens and civilized christians. But surely justice cannot vary; and it has been our great boast, that our sway was equally guided by justice in every part of our dominions. Nor will an attempt to draw such a distinction hold good here. Our oracles will not allow us to think that we have been unjust. Hear the Delphic, from the tripod of the *Times*.

"A handful of us rule over those 200,000,000 subjects because we are open in our dealings, because we abstain from wanton cruelty and malicious vengeance, because we insult no religion, because we keep order: because, in a word, and on the whole, we give these many nations and divers religions greater peace and toleration than they would be likely to obtain from one another."

Of course the old lady, on her three-legged stool, had never heard of blue-books on torture in India, nor any other complaints of hardships, confiscations, annexations, and spoliation in any shape. This does not concern us. The theory now propounded is, that we have been over

gentle, over kind; that we have courted and pampered high-caste and high-class natives, that we have "petted," that is the word, our sepoys, and their officers, even at the expense of the peasantry, who are supposed to have remained loyal; that in fact we have only just found out (this 9th of Sept.) that we have brutes to rule over, and that we ought to have treated them more as savages. And all this leads to the conclusion that the little finger of the future rulers of India must lie heavier on the backs of the reconquered people, than did the loins of the past.

Well, we care not which theory we take. If we are not to allow for a moment that Great-Britain can possibly be guilty of injustice or misrule, that she can no more have been like Naples or Rome, than the Pharisee was like the Publican, we will take the nobler view of our country, and deduce from it one or two obvious conclusions. It follows, therefore, *first*, that disaffection of subjects, and readiness, at the first opportunity, to get rid of their rulers, even by violence, is no proof of bad, or tyrannical government on their parts; *secondly*, that, on the contrary this very dissatisfaction and rebellious spirit may be the result of over kindness and indulgence, especially towards particular classes; and *thirdly*, that the true way to treat rebels is by retaliation, doubled severity, and harsh systems. How sweetly in accordance with all that has been written and done about Italy, for the last eight years!

Shall those who, like ourselves, have boldly cried out against the injustice and falsehood deemed lawful towards Italy, by the millions who applauded, and cheered on the Press in its iniquitous crusade against its sovereigns—shall they be blamed if they read in what is passing on the Ganges and the Jumna, a *lesson* at least, not to attempt to sully with blood the Arno and the Tiber? What a fearful cento might not our enemies compile from the columns of our papers, word for word, applicable to India. For instance, how often has the sublime after-dinner speech been loudly cheered for such expressions as these: "when the day comes that all Italy shall rise as one man to fling off the yoke of the stranger, then—" or; "that fair land on which Heaven has lavished the richest of its gifts, is fast arousing itself like the lion, to shake the dewdrops, that is the foreign bayonets, from his mane," or, in fact

any other nonsense which only requires a simple geographical substitution to be as true of India as of Italy.

But there is a further charge of injustice strongly contrasting in the two cases, which we will give in the words of one of the publications before us.

“And now, my brethren, before travelling nearer home, let me suppose a case to occur in those distant provinces of ours. Let us suppose that the present insurrection is well subdued, and that peace is restored. But there can be no doubt that this rebellion has its chiefs, those who have silently circulated throughout the whole of at least one presidency, and perhaps more, evil principles, opposed to our rule, and have organised multitudes not merely for rising up to assert some rights, but for the total overthrow of our empire, and for the cruel massacre of every one who is naturally in opposition to their designs. Let these, by God’s mercy, be prostrated, and tranquillity be restored by what they may call a foreign force. Yet the chief promoters and planners of the rebellion may escape unhurt. Let us then suppose that these have taken refuge in the states of some neighbouring but weak power, of one of the princes who surround our territory, and that there they are not only sheltered, but welcomed with applause, so that they hold public meetings, where they are called the true friends of India; and subscriptions are openly made there for future attempts upon our British provinces. Let us suppose that there a press is open to them, at which they may print their inflammatory tracts, and incendiary speeches, to be scattered over all India; that thence, without hindrance, they may despatch arms and ammunition into the heart of the country; that there they may freely plot and conspire against the peace of our distant dominions, thence may depart, without disguise, and enter our territory organised again for another rising, another massacre of strangers, and there, if baffled, again to take shelter, ready to re-issue whenever the time is ripe for a third or fourth insurrection. Now I ask you, my brethren, are you, as people of this country, or is any government, prepared to permit this? Supposing the sheltering nation to be a weak power, whom we could at once subdue or overcome, do you think we should tolerate such policy? I hardly think we should be satisfied with the answer, that it was only a political and revolutionary movement on the part of men who wanted independence, and they had a right to seek it; that they had been, indeed, unsuccessful, but that theirs should be considered only a political crime; that they are refugees, and that the honour and the constitution of the protecting nation demanded a liberal treatment of them; adding a boast, that they were too strong in their national stability to fear similar dangers. Would this be tolerated, with probably another rising before us, in which the use of the torch and the poniard was freely

recommended, and the committal of every atrocity forbidden even in war freely anticipated? Would not the whole nation rise indignantly at the idea that a handful of assassins should be thus receiving shelter from a weak power, and we permit them the full liberty of annoying and attacking us whenever they pleased? No, it never would be permitted. Even at the cost of war we would not allow such a refuge to such banditti. And this determination would be applauded, independent of all consideration of revolting atrocities committed by the rebels. It would be taken in connection with the mere armed mutiny, and attempt to overthrow our empire. Let us then fairly apply to others the principle that would be followed in our own case. What does England do with other countries? A great difference no doubt lies in this, that she is a strong power, and can do what she would not permit a weaker power to attempt. What have we seen lately? The whole of Italy, Spain, and France threatened, and in part overrun, by hordes of armed conspirators—soldiers stabbed in the back in the streets, galley slaves let loose, sentinels shot, vessels piratically seized, the forts of a liberal power attempted, a landing effected in a peaceful neighbourhood, and lawless men trying to raise the flame of rebellion; while the cold-blooded assassination of an allied sovereign is prepared. And then the authors of all this mischief, plotted here quietly, if they escape, come back in safety to us, to print new circulars, forge new daggers, again command the use of the same foul weapons of destruction; and we harbour them, nay, encourage them, and say, ‘We cannot reject them; all this is only a political matter, and we cannot interfere between them and their plots of rebellion and murder.’

“Now, my brethren, a stewardship has many duties, but its first, of course, is justice. ‘It is required among stewards that a man should be faithful.’ Have you assumed a great stewardship of liberty? Is England constituted by Providence, a power to see that every country has the same form of government, or the same constitutional principles as itself? Is this so clear and solemn a deputation of trust that we must prefer its exercise to any choice of means, and consider an attempt in the name of liberty to overthrow governments by those who do not approve of them, so much in accordance with our stewardship of progress, as to make us indifferent to the crimes by which it is accompanied? Be it so; only let us be just in our reckoning. ‘Weight, and weight, measure and measure,’ that is ‘two weights, and two measures are detestable before the Lord.’ Let us not forget that there is difference of weights in justice; it is the very principle of injustice to have two weights, the one for ourselves, and the other for our neighbour. Put your reasonings into the same balance. Judge in one instance as you would do in the other. If you would not permit what I have described to be done in India, it is unjust to do it anywhere else. There can be no distinction.

"And here let me observe that the stewardship of a nation may be exercised in two ways. The first is in regard of those who are under its own immediate rule, such as the natives of India, of which I have spoken. The other is that which it conceives that its greater progress, its greater success, and power, entitle it to exercise towards those nations that are not so advanced as itself. But surely, if we thus assume to ourselves a stewardship, real or imaginary, we must assume with it its responsibilities. Even-handed justice is as much required of us here as in the first, our real national stewardship. And this will not permit that, under our sanction, other nations should be treated differently from what we would permit our own to be treated. And in fact our stewardship, if we have one, in favour of these nations, consists in the example of a higher morality, in the practice of a more enlightened policy, in being the model of greater deeds; but not in the patronage of insurrections, of political confusion and bloodshed. Yet if we nationally favour those who overtly and boastfully do these things—welcoming them, praising them, almost deifying them, and enriching them, we surely may expect to be called to an account of our stewardship, and we cannot be surprised, on the principles which we would selfishly act on, in our own case, if things should rise to such a pitch—which God forbid—in our own dependencies and colonies, as will open our eyes to the iniquity of approving in other countries, that which we are putting down at the cost of so much blood and treasure in India. And many perhaps will be led to ask, 'Are we not called to give an account of our stewardship assumed in favour, as we say, of the nations of Europe, which we have stirred up to revolution, or which, at least, we have encouraged to others to arouse?' on seeing that our subjects are paying us their tribute to us in precisely the same coin. The consequence to many an honest mind will be clear. God is calling us to account for our dealings with others."—*Card. Wiseman's Discourse*, pp. 10-12.

This long extract goes, indeed, over part of the same ground which we have trodden; but it enforces additional considerations for a future reference. Will not foreign countries, especially Italy, have a right to look with some interest, to the application of those principles which we have dictated to them, and those which we have acted on, concerning their rebels? Shall we act on the principle of pardons, amnesties, and tenderness to political crimes, murder included? Shall we allow near India safe harbour to our rebel chiefs, and secure hatching ground to the cockatrices of rebellion? No one doubts the answer to these questions.

It appears, however, to us, that it is not merely to this extent that our national responsibility must be confined.

The language now applied to the revolted Hindoos is one of unmitigated execration. Brutes, monsters, demons, and worse, are very justly now synonymes for Sepoys. Yet a few months ago were they so or not? Are we to believe that they were inwardly all that they are now outwardly, in heart the same then as now in action? Either one or the other. There were some hundred thousands of men living in society, in peaceful subjection to British officers, many themselves holding commissions, and consequently consorting with highly-educated, refined, and christian men, taking part with them in common duties; some have been, we are told, thirty or forty years in this contact. Are we to believe that these men, during years and years, have been only gnawing their treacherous hearts to keep them still, being ready at anytime to shoot down these very officers, and massacre their wives and children, and those of every civilian belonging to the governing race? Or are we rather to suppose, that during the past they were loyal and true, genuinely and contentedly attached to their superiors, civil and military; and that only some new cause supervening has changed their very nature, and, like a drunkenness, or a fever, or a mania, or the excitement of a successful storming, has for a passing moment of frenzy, undone the work of a century, and brutalized a people?

Surely it is well worth while investigating which view ought to be adopted; and when this is decided, let us face the enquiry into the causes that connect recent events with the theory preferred. Let us look at the first. Just when the first rumours of insurrection reached England, there was in act, or in preparation, a grand centenary commemoration of Lord Clive's victory by which India was secured. A hundred years, therefore, have elapsed since we considered the duty of civilizing India to have been cast upon us by Providence. We have had the educating of three generations of a mild, we have been told, and effeminate people. We have had the fullest power of influencing, mesmerising them, we might almost say, by the constant action of the stronger upon the weaker, mind. But what more humanizing, and more assimilating, than military training? Where is *esprit de corps* more binding than in an army, a regiment even? By no other association is unity of purpose, of interests, of sentiment so fully secured. Nowhere are the ruler and the governed brought

into more harmonising contact. The very button of the uniform, the word of command, the trim of the cap form links of honour, and of mutual confidence between extremest classes. Then military training is itself a school, an education. Contrast the raw recruit fresh from the plough with the smart non-commissioned officer in the Park. What has made the difference between two beings once alike? The drill, the discipline, the sense of professional elevation, the models before him in the soldier's officers, the pride if you please and conceit of his state of life. He probably would not now use a bludgeon, or do a ruffianly act. If a high moral sense has not been infused into him, he is not any longer a boor, or a brute. Exceptions there will be, but the forming of a soldier is essentially a culture, a moving him to a higher step in civilization.

Now are we to believe, that, while imparting this boon, bestowing this cultivation upon almost a hundred thousand sepoys we have not raised them a degree above the savage, but that all the time they have retained the feelings of a cobra towards their benefactors, that they have daily polished their bayonets with the deadly purpose of thrusting them into their teachers' bodies, and have held out their hands to receive bread and salt from those whom they purposed, as soon as possible, to murder? Moreover, if we so believe, we must imagine, that, during all these many years, there was not one faithful soul among these myriads of traitors, unfaithfulness to whom would have been fidelity; no friend to some fair-haired youth blooming in kindness of heart towards the swarthy soldier, who would warn him of impending danger; more strange still, not an individual among those that *have* remained faithful and whose heart therefore was not so black as his neighbours', who, knowing of course the deadly purpose, duly manifested the hidden hatred, and traditionary conspiracy of blood. All this seems to us impossible. These men marched with their officers to war, north and east, against the Sikh and the Burmese, were true and faithful as British troops, fought, bled, died for the East India Company, as these do for their Queen. They might have revolted then, with every advantage; but their loyalty remained above all suspicion.

But surely, supposing this tissue of impossibilities, they who believe in them must solve the question, how have we educated this population, if we have not taught them a

better morality than that of hypocrisy, revengefulness, and bitter malice left to lie in the heart's core, till it could spring up into hideous destructiveness? Or what sort of masters have we been, not to discover this cherished loathing of a hundred years? Not even in those by-gone times, when there were more European officers in regiments, more knowledge of the vernacular languages, and more friendly intercourse between officers and men.

If this theory be true, that we have been employed, and successful, in giving to a great mass of people all the outside of English military civilization, communicating to them what really is a science, without influencing their moral feeling, their affections, or even their humanity, we come to this double conclusion, that our education has been disgracefully inefficient, and our sagacity helplessly imbecile.

But we cannot accept this theory, nor does any body truly hold it. The Company certainly cannot; for it believed blindly in the fidelity of the native army, in spite of every warning. The officers themselves cannot; who trusted to their men to the last, and were ready to sleep in the lines down to the very night of revolt. It is utterly inconsistent with facts, and reason, and human nature itself. No other solution of the mystery remains than this, that the sepoy army was like any other raised by strangers in a conquered country, not attached in any particular way to masters with whom they had no sympathies of race, of language, of manners, of country, or of religion, yet not disliking the pay which they gave, and the occupation which they afforded; that some, like the irregulars, were even really fond of their profession of arms, and ready to bear considerable expense of their own to increase its splendour: that they were in the main loyal, and to be depended upon; that they had no animosity or rankling resentment against their officers and rulers, till something occurred to change them in a moment from decent heathens to maddened brutes. What that something was, forms the *x* of the problem, its desired, but unknown, quantity. That such changes, sudden and great, may be wrought, the experience of history shows. The Sepoys have been no worse than an army of Caffres, or Red Indians, or Tartars might, and would be, if a sufficient cause should arise to throw them into revolt. They have, in fact, done nothing worse than the Tartar

hosts of Jenghis Kahn or Timour, or Turkish armies in Hungary or Albania, have perpetrated in their days of irresistible invasion. Nay, the Anabaptists in Germany acted with equal atrocity, and so the Russians in Catherine's days, both against Catholics; both under the energumenism of religious fury. And surely the French revolution, by its scenes in the prisons and the streets of Paris, the cannonades of Lyons, and the noyades on the coasts, proved that, in a highly luxurious nation, the spirit of imaginary liberty might strike multitudes of previously quiet and submissive men with a frenzy as wild and as ungovernable, as sylvan gods were thought to inflict in their wrath. Nor would the late Roman republic fail in proving acts committed by its soldiers worthy of Delhi or Cawnpore, in ferine atrocity, or indescribable wickedness.

It would thus appear that a sudden exciting cause, acting on the violent passions of even civilized bodies, possessed of rude force, will at once change them into all that we have seen the Sepoys become. In the instances here selected, two moving causes have been exhibited—a blind zeal for religion, and a passion for liberation, if not for liberty. The second of these words would scarcely be understood, where the first would be a shibboleth. And this word suggests how suddenly, and by one act a whole nation can be aroused, and lashed on to acts of dreadful retribution. Let the reader recal to mind, how one gross crime of one town in Benjamin raised all the brother-tribes as one man, to a war of extermination in which neither woman nor child was spared, and none saved but a remnant of men who found refuge in the mountain fastnesses; and then say how very inadequate to persons reasoning under different principles and circumstances, the motives, or impulses may appear which kindle, in even civilized nations, the spark of animal passion into a flame that indiscriminately devours.

This is therefore a theory more reasonable, and more probable than the other; this revolution is not the outward manifestation of a fiendish malice nursed for generations, but more likely a sudden ebullition produced by a single, or a complex, cause acting violently on the ill-tamed, and ill-directed passions of an inflammable oriental people.

Ebullition is indeed the act of a moment, which cannot be hastened, and in itself cannot be prevented. Only removal of external cause can do it. It is an old, and now

trite eastern proverb, that it is the last straw which breaks the camel's back—the one which overbalances his strength. And so it is the last breath of heat that makes the cauldron boil over. There will have been warning signs, noisy turbulence, superficial bubblings, agitation and upheavings; but if the careful housewife does not, just before the fatal moment, separate it from the fire, over it will run, and flame, smoke, and scalded ashes will speedily succeed the cheerful and genial fire. And so the flashing volley never bursts from a volcano, nor does the boiling lava run over the lip of its crater, without premonitory symptoms, not to be misdoubted. However instantaneous also may be the last act or motive which drives men to violent action, there must have been many preparatory ones, which reached their full measure in that one.

An imprudent *ordonnance* drove the elder Bourbons from their throne; the attempt to stop a political dinner lost it for the second branch. No one doubts that disaffection had previously existed, existed with growing intensity, and was only ripened, and gained occasion, through what otherwise might have proved a trifling occurrence. It must be a defective vision in a government, not to see, and remedy, the lurking feelings which are gradually preparing the way for a sudden crisis: it is a complete and almost judicial blindness, not to foresee, and avert, the final catastrophe. Even if the cause be not real, but imaginary, the only difference is that it must be removed from the fancy, instead of from the senses. A horror of wooden shoes, as a portion of the French social and dynastic system, served to help national antipathies in times past; artful plotters of revolt will not be scrupulous about the cry by which they inflame evil passions.

If, as we sincerely think, the Bengal revolution is the result of some actual, and not habitual, cause, acting by an impulse, on materials slowly but not systematically prepared, the wisest course is to discover this motive cause, both as the surest means of seconding active measures for repressing it, and as the best suggestive of a future system of rule.

Was the impelling cause political or religious; or were both elements combined?

Although the daily press, under government influence, may persevere in affirming, that not a slur is to be cast upon our eastern rule, all men of sense and experience,

and of impartial judgment agree, and every day makes clearer, that there has been a series of oppressions, of insults to national prejudices, and even of ruffianly torture, which must have irritated the susceptible minds of a fanatical people. We do not wish to rake up what every one remembers. The Report of the *Madras Torture Commission* is in every body's memory, excepting the *Times*' Editor's.* Mr. Layard and other public men have taken up the cause of Indian misgovernment to expose it; and the denunciations, and prophecies of the late Sir Charles Napier ought long ago to have opened the eyes and ears of India's rulers, unless they were dulled and deadened by the charm of their own opium. Let us add the brief testimony of Dr. Fennelly, "Owing to the exorbitant land tax or rent exacted from the Hindoos by Government, the mass of the people is reduced to extreme indigence and poverty." (p. 5.) If therefore there has been misgovernment, and growing discontent, nothing would be more natural, than that some particular act might appear to the natives a crowning act of anti-national oppression. A stupid answer cost Roboam ten, out of twelve, tribes. "Est cui magni constitit dieterium." An obstinate act of taxation lost England the United States.

Has anything like this happened in India? Probably the officers or men who have remained faithful, or the villagers, or zemindars, who we are told are still loyal, could answer the question. Till an authentic reply is obtained, it seems almost useless to conjecture. Still we may help the inquiry. About two years ago, a gentleman on whom we can place implicit reliance, unconnected with India, or, with office, met, in travelling, an envoy, or agent, of the King of Oude, who informed him, that he had warned our home government against the annexation of that State; with an assurance that, if this measure were taken, there was no extremity to which they were not ready to go.

* The reader may see instances of torture which show, how little government practice can have taught the Hindoos to respect either common feeling or common decency, in the Appendix to Mr. Maguire's excellent work, "Rome, its Ruler, and its Institutions." Longman's: a work to which much greater attention must be paid than the cursory notice in our present number.

Hints have indeed been given that the annexation of Oude was the last drop that made the cup overflow. We have been told that the step has been considered a national grievance; and the arrest of that unfortunate monarch at Calcutta, and the threat of a similar fate awaiting the Queen, confirm the idea of a connection between the annexation and the revolt. But we have not seen any statement so positive as the one which we have just given.

In truth, if the accounts more hinted at than detailed be true, that the poor remnants of national existence, the pageantry at least, and even mocking, of kingship, and courts yet precious to the sons of the soil, have been gradually and arbitrarily swept away, by the withdrawal of pensions and even the degradation to poverty or exile of royal descendants, with great indignation and irritation of the people, and that by degrees their eyes have been opened to what at first was more concealed, that all jurisdiction and power in native hands was intended to be wrested from them; then indeed the open and undisguised extinction of a reigning house, and the occupation of its territory, without a war, or a threat even, rather while in friendship and alliance with us, must almost necessarily have wrung their last hope from their hearts, and stung them to the very quick. Now add the acknowledged fact, that an immense proportion of our Indian troops, in Bengal at least, were natives of that principality, imbued, from infancy, with the ultra-feudal notions of fealty to their sovereign, and we can hardly wonder at a great military revolt, confined to that one presidency.

If the incentive cause was political, it may be found perhaps in this great act of spoliation. The Report on Oude presents us, no doubt, with a frightful picture of rapine, marauding, and injustice without, and of debauchery and moral filthiness within the palace. But the natives would see these things differently from us. The interior of an oriental court has never presented an edifying scene; nor have the curtains of the zenana been lifted up, for moral reasons to depose an Asiatic king. In the native ethical system much license would be requisite to constitute a ground of forfeiture to an hereditary crown. Perhaps even in Europe debauchee monarchs have not been so visited by Christian parliaments. Then, when we read the accounts of our own revenues exacted from the poor by beastly tortures, when we find how the country is over-

run by marauders and banditti, and hear for the first time how the rebels have let loose in one provincial city alone (we believe Agra) as many as 4000 prisoners—talk after that of Italian prisons?—it is quite possible that in their rude balance, and with their heathen weights, they may not have discovered the niceties of distinctions, which we perceive, nor found the enormities of Oude so heavily press down its scale. The fable of the wolf and the lamb probably came to us from India; and the Hindoos may possibly have applied it to the facility of finding reasons, for the strong to devour the weak.

Whether single, or in combination, whether real or affected, the religious cry has clearly been raised, as the war-cry of the rebellion. "Deen! Deen!" has been shouted along the ranks of mutineers, in the moment that they rose upon their officers: "Deen! Deen!" has been called out by the rebels, to seduce from their banners those who yet remained faithful. The words mean primarily *judgment*, and then *religion*, for which it is the popular Mahomedan term. A cloak of religion has, at any rate, been thrown over the insurrection by its leaders; but if so, they knew that it was like the fiery garment cast by Dejanira over Hercules; it would burn into the vitals, and inflame to frenzy. No doubt the bulk of the maddened sepoys believe that they are fighting for their Gods and their religion.

What the enactments or facts were, which either the people's fancy, or the artfulness of their leaders, fastened upon, as evidences that their European masters intended to rob them of their precious heathenism, we are totally at a loss to surmise. Had England been a catholic country, we might have wondered at this absence of seeming evidence, at least, of such a desire. For we should have felt that the first duty to God, after giving a nation possession of an immense pagan continent, was to propagate the sublime and holy faith, which the eternal Word came from heaven to teach, and save the souls of millions whom He had died to ransom. While, with the good priests and friars who accompanied the first conquerors of America, we would have deprecated any violence, or undue pressure, we should certainly have expected to see such influence used, as superior civilization, greater learning, higher mental faculties, and a sublimer moral sense could give to the possession of revealed truth.

We speak of this as of a duty to God ; as a recognition of His power and bounty. If we were convinced that India was His gift, that we obtained it not by treachery or the sword, but held our title-deeds of it rightfully and righteously, if in other words, we considered our tenure of 200,000,000 of souls, as well as of the land which amply supported them, to be under Providence, we can hardly imagine that we should say to those people ; " We have not the least wish to see you abandon your hideous idols, and your dark mythology, and be even as we are. Be believers in the Prophet, or worshippers of Vishnu, it is all one to us, provided you bear well our yoke, and till the soil, that it may yield you rice, and us opium, in abundance." Now it must be owned, that since the rebellion commenced, and the religious war-whoop was raised, this has been the answer to it, this the vindication of our Indian Empire : that we have never attempted, nay never wished, to see its population other than filthy worshippers of filthy Gods.

And this seems but too true, and perhaps true from necessity. We have indeed been startled into the consciousness that there was a christianity dotted over Bengal, by learning that here the rising began, while the people were at church, here by a horrible account of a massacre in the sacred building, and somewhere else by the melancholy history of a Reverend person, with his wife and child having been cruelly murdered. We have also had the truly protestant evidence of a meeting for subscriptions to replace the property lost, to the amount of thousands in some missionary stations. But all these religious provisions seem to have been made for the European "servants" of the Company, with an explicit disavowal of all idea of rescuing its myriads of serfs from eternal perdition.

Very possibly among those who have so perished, some were dissenting ministers, or members of some American sect ; but we will confine our remarks to what the Indian government has done, to evince its zeal for the conversion of its subjects. No doubt it has paid attention to the full endowment, as we shall see, of the representatives of the home Establishment ; but no one can imagine that this was likely to influence native convictions. The system begun by the amiable and poetical Heber, has continued in the dry evangelicalism of Dr. Wilson. Let us try to

realise the feelings of a Hindoo, who, however gross his errors, has at least something tangible in what he deems religion. He has a brilliant and mystical theogony, and outward symbols of it in splendid temples. From these he goes into a naked building, perched aloft in which he sees a Sahib, a gentleman in black, very listlessly discoursing on justification by faith alone, and the utter worthlessness of good works, or may be very monotonously reading a lesson from a large book, foretelling perhaps how some hated and accursed tribe is to be destroyed, in such words as these: "Every one that shall be found shall be slain; and every one that shall come to their aid shall fall by the sword. Their infants shall be dashed in pieces before their eyes; their houses shall be pillaged, and their wives ——" (Isai. xiii. 15.—Osee x. 14.) Or he may hear the congregation singing a beautiful psalm, a hymn of captives seated by the rivers of Babylon, ending with the fearful imprecation: "Blessed he that shall take and dash thy little ones against the rock." (cxxxvi. 9.) And if he asks for the volume in which these awful words are written, and in which he soon finds plenty of other texts on total extermination, it is given to him not only readily but eagerly, in his own language, without note or comment; and he is told, that, every word there contains lessons of eternal life, and has to be freely interpreted by his own amiable and enlightened judgment.

Such is the form of religion which might be fairly exhibited to a Hindoo, to the full extent of Anglican proprieties, and of protestant fundamentals. What impression is it likely to make on an imaginative, and impressionable people, to whose fancy it presents no pictures, to whose feelings it conveys, through the senses, no emotions? Beyond what the bible-society's not very picturesque bindings may suggest to the eye, it lights up the cottage with no touching representation of loving mysteries, with no types of saintly virtue. The natural aspect which protestantism presents to an Eastern, is that of a negation; its consequence a feeling, that the attempt to proselytise is one to deprive them of a religion, and give them no other in its place. We remember an amusing account, in Dr. Heber's Journal, which we have not now at hand to refer to, of Hindoo ideas of an Englishman's religion. As after travelling all night, our countrymen would walk briskly up and down, to warm themselves,

while coffee was making, this, as their only regular action in the morning, was considered to be a devotional exercise, their worship of something or other. But Dr. Heber there, or elsewhere, remarks that the Englishman in India is habitually considered, as the man who never prays. His religion is a blank, an atheism, or rather ungodliness, not by negation but by unrecognition. Positive religion appears to the natives excluded from his system.

But at any rate, if the condition of India be thus wretched, that her subjection to Great-Britain is to bring her no nearer to revelation, but is to be based on the compact of equality of every impiety with christianity, the only hope of counteracting this system must lie in the higher morality of the christian beyond the pagan. If the latter saw in practice the purity of the Gospel-code; if the soldier found his officer untainted with the vices that marked his own race; if the subordinate civilian could look up to his superior as a bright pattern of virtue, surely by degrees the differences of the individuals would soon be traced to the differences of their creeds; and christianity would gain upon idolatry, as it did when first proclaimed. We fear to enquire, whether this has been the case. That great improvement has of late years taken place we gratefully admit; and strange to say, the mutiny has been attributed to the anger of the Sepoys, at the increased morality of their officers. Let this be so; and it only bears witness to our being rightly amazed at what can possibly either made the Bengalese imagine, or their leaders succeed in making them imagine, that any efforts had been made to convert, or force them to christianity. Possibly the boastful reports of Missionary Societies, stuffed with false accounts of spurious conversions, and of Bible Societies which reckoned three conversions for every bible thrown away, may have reached Indian hands, and been improved on by native demagogues. Perhaps the brag, that a certain Indian prince, high in favour at our court, was intended to go back, and convert his country, may have been wafted to the banks of the Ganges, and muttered in deep religious whispers from regiment to regiment.

But whatever the preliminary influences, we need not hesitate to say, that on minds jealously prepared, the "greased cartridge" was sufficient pretext for a final explosion. It was such a trifle! True, but it was to their minds so subtle, so universal, so necessitating, so mixed

up with duty ! The mind of the Oriental is itself subtle, cunning, inventive ; and it transfers to others these unamiable qualities. It was so ingenious ; every time a soldier fired his piece, in battle, on parade, over a comrade's grave, a *feu de joie*, it mattered not ; every time he would be obliged to commit a violation of his religion, a detested act. A trick upon a Jew in the matter of forbidden meat would perhaps vex him more than the tripping him up in a bargain. So with a Mahommedan, so with a Hindoo. In what regards uncleanness of food, they are delicate to a nicety. The proclamations of our Indian government are now too good evidence that the fact was as the insurgents stated : that the cartridges had been larded with the unclean thing, either by a contractor, who for a few pounds' gain has nearly lost us an empire, or through the stupidity of those, who after a century have not learnt the elementary feelings of those whom they undertake to govern. A trifle indeed ! The Hindoos have stood the suppression of the Moloch-rites of Jugger-naut ; they have borne the abolition of the Suttee—solemn parts of their worship—but order the Brahmin string to be cut away from every shoulder ; and see what would be the result of, to our minds, such a trifle.

And so it was with the unsavoury cartridge. The mysterious cakes went from post to post, and Europeans laughed at it. They ought to have remembered the fiery cross of the Highlands, or the morsels of the Levite's wife, or the mere exchange of looks which preceded the Sicilian Vespers. The neglected and despised symbol, however, did its work. It was a telegraph of death. It was an epistle of blood. It was the awful element of a communion in hatred, in ferocity, in fanaticism, binding tens of thousands to crimes, and worse than crimes, to horrid deeds that no code could ever have contemplated ; for they sink into an abyss, which no soundings of human depravity have ever reached.

We cannot, however, leave the great question of religion in India, and the responsibility of its governors on the subject, without adverting to one view of it, particularly important to Catholics, and in some degree to others. For we may ask, with some force, what must Hindoos, Mohammedans, and native christians think of the East India Company's religious principles and intentions, when they all know, as they do, the astounding fact, that provi-

sion and endowment are made for every heathenish worship, while native catholics are excluded from any share in the public bounty. As long as a man believes in "Mahound and Termagaunt," worships idols and hangs to a cow's tail, or proclaims the Prophet, and curses all Kaffirs, including his masters, the State respects him, and amply provides the means of doing such respectable things. The moment he acknowledges a God in Trinity and the Incarnate Word, he is put out of the pale of patronage, and told, "you are no lieges of mine." Does not this proclaim, "better the infidels for me than catholics," to men who cannot perhaps see the differences among christian bodies. Or does it suppose them to do so, and cry out: "I recognize only three denominations of subjects, Anglicans, Mohammedans, and Idolators?"

But for this part of our subject we must quote Dr. Fennelly's interesting pamphlet.

"1. In the territories subject to the East India Company, there is a Catholic population of 801,858 souls, of whom about 16,000 are European soldiers. The country is divided into sixteen Ecclesiastical Districts or Vicariates-Apostolic, governed by sixteen Bishops and served by 736 Priests—397 of the Syrian rite attached to the mission of Verapoly on the Malabar coast, and 339 of the Latin rite dispersed through the other missions. The Catholic body in India includes persons of all classes and conditions—European, East Indian, and native; the great bulk, however, especially in Southern India, is made up of native cultivators, a miserable, ill-used class, as those will admit who have perused the Report of the *Madras Torture Commission*. Owing to the exorbitant land tax or rent exacted from the Hindoos by Government, the mass of the people is reduced to extreme indigence and poverty. Hence, the native Catholics, though numerous, are unable to contribute anything towards the support of religion. The Catholic population, the only Christian community of any note among the Hindoos, is annually increasing, partly by births and partly by conversions. The conversions, chiefly from paganism, in British India annually number upwards of three thousand: in 1856, the conversions in the Madras Presidency alone amounted to 2,900.

"2. After all they have heard of the Dalhousie resolution, the British public will, doubtless, be surprised to learn that 785,858, out of 801,858 Catholic subjects of the East India Company, receive no aid from the state for the support of their religion; and that, for the remaining 16,000, *British-born servants*, for whom alone Government professes to make provision at the public expense, a very inadequate provision is made.

"3. Catholics are the only class of the East India Company's

subjects, whose religion is not, in one way or other, maintained at the public expense. Hindooism is supported by extensive tracts of land, exempt from all revenue demands. Mahommedanism is maintained in like manner. Every person acquainted with India knows that there is annexed to each Pagan pagoda and Mahommedan mosque a tract of land which yields no revenue to Government, the produce thereof being appropriated to defray the expenses of the ceremonies of the pagoda or mosque to which it belongs.

"The Protestant subjects of the Company, though Government does not profess to provide for their spiritual instruction, have very little to complain of.

"The Protestant population, including Protestants of every shade, is inconsiderable as compared with the Catholic, there being more than one hundred Catholics to one Protestant. It numbers among its members, like the Catholic body, persons of every class and condition, but, unlike the Catholic body, the native paupers are few, and the well salaried European Protestants are many; so that even without aid from Government, the Protestant community of India is in a position to contribute largely towards the maintenance of religion.

"But Protestants are not neglected by the state. Government maintains a highly paid and numerous body of clergy to minister to its Protestant European servants, and the bishop and clergy not finding sufficient employment in the field allotted to them, are able to afford spiritual instruction to the few Protestants not in the service of Government. Besides, the well paid Protestant civil servants, relieved from the burthen to which their Catholic fellow servants are still condemned, are able to contribute from their abundance in support of missionary enterprises. And the schools supported by the State are as Protestant as they can be made without an open violation of the orders of the Court of Directors, that religion should not be taught in them.

"4. On what principle of justice or fair dealing does the Indian Government refuse to Catholics aid in support of their religion, while (though not professing to do so) it makes ample provision for the maintenance of the religion of every other class of its subjects?

"Catholics contribute in proportion to their numbers, to all the expenses of the State; they pay taxes like every other class, and one would expect them to receive at the hands of a Christian Government at least as much consideration as the pagan or Mahommedan."—(pp. 4, 5, 6.)

But we have another, and an impartial, witness, to this injustice, and unequal dealing, in the late sagacious and upright officer Sir Charles Napier, whose words will be pronounced oracular by all who read the following, till lately, unpublished anecdote. It occurs in the Sermon

placed at the head of our article, and delivered on the 26th of July.

"And now, while I am speaking of India, our vast mercantile empire, allow me to come nearer home in the question of national justice. I dare say some of you will have seen yesterday an interesting extract from the life of a late illustrious general, Sir Charles Napier, a life published some time ago, in which he clearly foretells that our Indian army would rebel, that it would rise up against its officers, those few English ones that remained, and that the East India Company, whom he had warned again and again in vain, would feel the disastrous consequences of such an event. Such was his prophecy, and he concluded by saying, 'But I do not wish to lead the life of Cassandra, giving nothing but evil auguries to people who will not take notice of them.' Now, as these words of that great man, as he showed himself always in India, have come thoroughly to pass, I will quote some other words of his spoken to myself, and you shall judge to what extent they agree with those. A few years ago, the year before his death, I was in the Exhibition in London, looking at a picture representing one of his battles in which he was in the very centre of danger, the most conspicuous object amid the terrors of the fight. Standing close to it was the hero of the piece, Sir Charles Napier himself. It was impossible to mistake him; but he desired to be introduced to me. I asked him a few questions about the picture and its correctness, and he then took me by the arm, and drew me aside—there were several persons round us—and he said, 'Cardinal Wiseman, you Catholics are shamefully treated in India. I have told them again and again, I have told the government there that a time was coming very soon when, to save our empire, we should require the united, combined forces of all British subjects without distinction, and that it was their duty to prevent any disunion or any religious differences. I have spoken in vain, they will not listen to me, and they are keeping up a system of disunion and separation instead of one of union. I have been again and again ashamed when in India, at being thanked by the Catholics, as for a favour, for what was but a piece of commonest justice.' These nearly are the very words which he spoke to myself, and I can vouch for the truth of every expression."

—P. 8.

Although this distinguished officer may have alluded to the treatment of native Catholics, we have no doubt that he principally spoke of the insulting difference between the Anglican establishment and the Anglo-catholic Church in India. To understand fully this system, stupid and short-sighted as it is unfair, in Sir Charles's judgment, we must refer our readers to Dr. Fennelly's Essay, which we trust that every Catholic will read, and will to his utmost second by vote or cry, on every possible occasion. We

must content ourselves with a few scanty quotations, quite inadequate to the subject, or to our desires. Dr. Fennelly's work is, in fact, a masterly analysis of a celebrated resolution, much vaunted for its liberality, passed by Lord Dalhousie, late Governor General of India, Feb. 28, 1856. We will only make a few extracts.

1. Catholic bishops. There are sixteen Catholic bishops in India. Of these the Government recognises *four*; and gives them allowances "not as such, nor by reason of their ecclesiastical rank," but "exclusively on account of the correspondence which they are required to carry on with Government," &c. In other words this was to be merely a remuneration for civil services required by the State. It amounted to 200 rupees or £20 a month, and was raised to £40; no great sum in India. Indeed so inadequate was it to the services demanded as an equivalent, that the Bishop of Calcutta has declined the honour and its wages.

2. Catholic chaplains. A chaplain is allowed where there may be "such a number of *British-born* Roman Catholics" (natives go for nothing) "*in the service of the Government*," as may seem to Government to require a separate pastor. The salary of a priest at such, or at a military station is 100 rupees a month, or 150 if he have more than one regiment and less than two.* What can be the feelings of a Catholic Sepoy, when he sees that the priest of his religion receives 100 rupees a month less than the lowest officer in his regiment, who, we are assured, has 250 rupees a month? But what can the English or Irish Catholic, soldier or civilian, say to the following proportions between the remunerations bestowed on the clergy of the two religions, which we must give in Dr. Fennelly's own indignant words.

"Such is the liberal provision made for the Catholic chaplains ministering to the Catholic troops in the service of the East India Company. Now the highest allowance which, in virtue of this provision, a priest can draw is only *about one-fourth the pay of the Protestant chaplain of the lowest class*; and the *ordinary allowance of the priest is only one-sixth of a Protestant chaplain's pay*; while, in addition to their pay, the Protestant chaplains receive allowances when doing duty, and are entitled to "privilege leave" every year without loss of pay, as also to furlough, sick leave, and retiring pensions; *all of which Lord Dalhousie refuses to Catholic chaplains.*

* Medical attendance is also granted, and in the country medicine gratis.

"To illustrate more fully the inadequacy of the spiritual provision made for the Catholics by the Indian Government, it may be useful to state the expenditure by Government, for the benefit of Catholics and Protestants, at a few stations, taken at random.

PONAMALLEE.

Protestant chaplain's yearly pay	-	Rupees	6,000
Establishment allowance	-	"	588
Sacramental allowance	-	"	63
For the sub-station at Tripasore	-	"	528
			<hr/> 7,179
Catholic priest's allowance per annum		"	1,200
			<hr/>
Difference	-	"	5,979

"The above exhibits the *lowest* rate of pay for Catholic and Protestant, yet the difference is sufficiently striking. If one of the larger stations, as, for instance Bangalore, with its three Protestant chaplains and one Catholic priest, be selected, the figures will stand thus :—

The chaplains' yearly pay	-	Rupees	18,000
Establishment allowances	-	"	1,287
Sacramental allowances	-	"	126
			<hr/> 19,413
One Catholic priest	-	"	1,800
			<hr/>
Difference,	-	"	17,613

"If the exact amount of expenditure in maintenance of the Protestant Establishment at the head-quarters of the Government of India were given, the contrast would be still more striking.

"For Madras the following statement will be found sufficiently correct :—

Annual cost of the Protestant bishop, chaplains, and establishment at Madras, about	-	Rupees	107,438
To clergymen of the Church of Scotland, with establishment and sacramental allowances,	-	"	20,811
			<hr/> 128,249
One Catholic priest,*	-	"	1,800
			<hr/>
Difference,	-	"	126,449

"* The office allowance of the Catholic bishop being paid to him for supplying certain returns to Government, and not on account

"To this difference should be added a very large sum expended on account of the 'privilege leave,' sick leave, furlough to Europe, and retiring pensions, granted to the Protestant and denied to the Catholic chaplains. The Protestant chaplain on sick leave, after seven years' service in India, draws from Government £300 for the first six months, and £191 12s. 6d. for the next twelve. He is, moreover, allowed a month's leave of absence every six months without any loss of pay, and may retire after fifteen years' service in India, on a munificent pension.

"The allowance paid to the Catholic chaplains is regarded as paltry, not only by Catholics, but also by liberal Protestants. Sir Charles Napier, when commander in Scinde, recommended Government to allow 300 rupees a month to the Catholic chaplains in that district. Government, for the time, granted 150; but Lord Dalhousie's order, instead of increasing, reduced the allowance at all the stations in Scinde except Kurrachee, where there are generally two full European regiments, to 100 rupees."—pp. 13-15.

3. We must refer our reader to the work itself, for information on the shameful partialities of the Indian Government, in the matters of church-building, orphanages, and military and governmental schools; in every one of which, everything is done for Protestants, nothing for Catholics. But as to the schools, it is worse than that. By a recent order of Government, every Catholic soldier is commanded to withdraw his child from a Catholic school and send him to a proselytizing government one under penalty of loss of five shillings a month made for every soldier's child, in the case of every one of them who is absent from such a school. (P. 26.)

4. But one of the most disgraceful distinctions made by the administration of the East India Company is the proportion kept in military promotion. This, on the eve of a great war, and with Sir Charles Napier's judgment before us, of the impolicy of such conduct, is so serious a point for reflection, and indeed for action, by petition or remonstrance, that we deeply regret not having space for the concluding five pages of Dr. Fennelly's pamphlet, containing his chapter on "Injustice to Catholic Soldiers in the matter of Military Promotion." The Bishop Vicar Apostolic of Madras took the opportunity of his remonstrating with the Indian Government on "the impolicy and injustice of

of his rank as bishop, or of his spiritual ministrations, is not taken into the account.

the penal clauses in the Indian Army school regulations," to allude to the glaring injustice systematically exercised towards Catholic soldiers. This produced great indignation, an investigation, and a reply (Jan. 22, 1856) that there was "no foundation whatever for his lordship's statements regarding the unfair promotion of Protestant soldiers...to the prejudice of their Roman Catholic comrades." On the 13th of April, the Bishop forwarded his rejoinder, enumerating the appointments made, in every department of the army, with a triumphant result: of which we quote merely the summary.

"In proof of His charge of injustice to the Catholic soldiers in the matter of promotion, the bishop reckoned up 627 appointments, the best to which a soldier from the ranks of the Honourable Company's army can aspire, with the names of the incumbents, and showed Government, that out of so large a number of staff appointments, not more than 130 (little more than one fifth, and these invariably the least eligible appointments) were bestowed upon Catholics, though Catholics constituted two-fifths, if not one half, of the Indian army. With the above facts before him, the reader will value at their worth the professions of commanding officers that 'promotions in the army are made without regard to religious persuasion.' He will be struck by the strange accident, that, although '*no regard is paid to religious persuasion*' in the lottery of promotion, it has nevertheless occurred that all the blanks have fallen to one religious persuasion, and all the prizes to the other. It is unnecessary to say that Government very wisely abstained from any further attempt at upsetting the bishop's statements, judging, under all circumstances, that silence was the most prudent course."—(pp. 32, 33.)

And now, as we have said, at the beginning of perhaps a long and harassing war, and a longer military occupation, has this company to whom we have confided the destiny of millions, shown itself wiser, or more generous, or more just, in its dealings towards Catholics? We blush to say, no. Catholic soldiers are proceeding, every week, to India, and the War Office has demanded the appointment of Catholic Army-chaplains. The East India Company have been applied to, to name their salary; and with the invariability of narrow minds, have fixed the rates exactly as was defined by the Dalhousie tariff! That of course was for chaplains on the spot, probably born in the country, enured to its climate, accustomed to its manners and food, and who, being stationary, probably ob-

tained further resources from local duties. Here all is different. Priests, settled here happily, and conscious that they are doing good, near their friends, wanting nothing, are expected to offer themselves, for a paltry salary that will not suffice to live upon, to go thousands of miles off, to encounter the fatigues of marches, the risks of climate and its diseases, and possibly the danger of a war, where no quarter is to be given on either side. No allowance, so far, for outfit, or for the provision necessary for Catholic worship: as we learn from the notices published in Catholic papers. Is not this a short-sighted policy at best? And yet, to the praise of the Catholic priesthood be it spoken, not the seven demanded only, but ten or twelve English priests, who can ill be spared, have come forward, offering to leave all at home, *every one* advancing the same motive, that it is a work of great charity, the more so on account of its dangers.

When the war is over, the question will come, who in future will have to govern India? Surely every Catholic member of both Houses will bear in mind how his brethren have been persistently treated by a Company, which carries to that distant portion of our Empire, the small-minded bigotry of home, and prefers worrying the British subject with petty religious annoyances, to enlisting his heart, as well as his arms, his affections as much as his sinews, in the service of his country. Surely if the national Government undertake the complete rule of that continent, it will reverse such a miserable policy, and establish complete equality.

What further measures for general Government may be adopted, to prevent the Koh-i-noor fatality following that hitherto unblessed gem, it will be time to discuss, when India reconquered lies, panting after its loss of blood, at the feet of the victor, to receive a doom of clemency, or of severity. Either policy will have to be based on principles widely different from what have ruled the past; we hope, however, that, any way, India shall learn that it is subject to a christian law.

ART. VIII.—*The Creator and the Creature, or, the Wonders of Divine Love.* By Frederick William Faber, D.D., Priest of the Oratory of St. Philip Neri. Richardson and Son, London ; Dublin ; and Derby.

AMONG all our recent converts,—and it is saying a great deal—there is not one who, in many ways, has done more signal service for religion, than Father Faber. As a son of St. Philip Neri, he has succeeded, against no common difficulties, in establishing, and what is far more consolidating, one of the most flourishing Catholic communities in London, not to say in England. The London Oratory stands conspicuous, if not pre-eminent, among existing instruments of spiritual good in this portion of our Lord's heritage. And the London Oratory is Father Faber's own especial work. His great and varied talents, administrative tact, brilliant powers of conversation, sunny temper, and, above all, thorough reality of character, have gathered near him and around him, a band of zealous companions, a host of confiding penitents, and a circle of attached friends which give him such a *fulcrum* for the spiritual lever as the most ambitious might envy; but which his rivals envy not, because in their sphere of competition no emulation is allowed but that which the Apostle describes as the mutual provocation to good works. By the aid of the remarkable gifts which he possesses, and of the strong personal co-operation he has been able to secure, Father Faber has succeeded in diffusing the peculiar spirit of his congregation over a very extended sphere. In how many churches throughout England, for instance, do his beautiful Hymns supply the very household words of gladsome devotion to multitudes of the rising generation! In how many, again, does the Oratory Prayer-Book furnish the form of the vernacular worship during those Triduos or Novenas which are themselves attestations to the growing popularity of Roman devotional practice! Indeed, had the Oratory done nothing else for England than encourage an increased attachment to the Holy See by the religious spirit it has created, this country would owe it a deep and lasting debt of gratitude. But it would be difficult to say whether Father Faber has after all

contributed more to this particular end, than, in the other direction, he has advanced the cause of religion by furnishing healthy outlets to those among our especially national feelings which, like the taste for vernacular psalmody, may be cultivated in strictest conformity to approved Catholic precedent.

Nor is the service which Father Faber has done for the Church as a writer, inferior, on the whole, to that of which his Oratory has been the immediate scene and centre. The tendency of all his writings, as even those who strongly object to parts of them are forward in admitting, is towards real devotion and elevated sanctity. He has laboured to inspire, and has succeeded in inspiring, most consolatory and practical thoughts of the paternal character of God. He has shown, again, how the ends of corporal mortification may be attained by those whose weakly constitution, variable health, or unavoidable occupation, unfits them for the exercise of it. He has laid the large class of invalids and valetudinarians under a real obligation to him. The lessons he has so often and earnestly inculcated on the immense power of a right intention as a purifier of actions and a safeguard against scruples will have come to the aid and comfort of many a timid Christian. Above all, he has propagated a taste for theology itself by bringing it within the reach of the busy and unlearned public. To the exercise of Spiritual Reading he has imparted an interest which converts it into a positive recreation. Nor must we forget the reformation he has effected in the department of devotional language, both in prayer and instruction. We do not allude merely to matters of style and taste, though here too there was felt by many to be considerable room for improvement. But Father Faber has conferred a far more important benefit upon religion by consecrating to its uses the affectionate vocabulary of domestic life in the place of an overstrained and pompous phraseology which tends to remove all matters of the supernatural world from the region of our ordinary thoughts and feelings. Why, for instance, should we seek for any more appropriate epithet to denote the claims upon our affection of Our Lord or His Mother, than that simple one of "dearest," which, till Father Faber took pen in hand, was, we believe, generally excluded from religious language as bordering upon undue familiarity?

With an impression of Father Faber's services to the

Church which we have here, if anything, rather understated than exaggerated, we can never approach to the critical discussion of one of his works except under a certain sense of responsibility beyond that which we experience in the ordinary exercise of our professional duties. It is easy enough to speak of any books, and much more of such books as Father Faber's, in a strain of indiscriminate eulogy. Praise is always the safe side of a critic's course; and especially in the case of works so generally and deservedly popular as those of this author. It is easy too, in another way, to carp in a smart and flippant strain at a writer of so much peculiarity and even mannerism as Father Faber, and at one too who has written so freely and so much. But what is not easy, and yet must be attempted, is neither to allow, on the one hand, the merits and *prestige* of a deservedly popular author to blind us to what are conscientiously felt to be his demerits or defects; nor, on the other hand, to be over quick in discerning, still less petulant in exposing, even serious faults which there is so great an amount of excellence to counterbalance if not to counteract. And this is not the only difficulty which presents itself. We feel deeply how utterly impossible it is to do anything like justice to such an author as Father Faber in the limited compass of a periodical essay. The exceptions which many take against his theological and spiritual works go, we believe, to the root of the whole line of teaching which he prefers in both departments. Objections of this nature and extent ought neither to be advanced, nor answered, by halves. Of all charges which could be plausibly sustained against Father Faber, the most untenable would be that which should impute to him an over-cautious or ambiguous tone. He has now published four volumes of goodly bulk and closely-packed contents; outspoken to an excess, if not a fault, and, on the whole, sufficiently consentient. A writer of this stamp has a claim to be met in an open stand-up fight and in a large plain. The first very obvious, though not we apprehend by any means universal qualification in objectors to his theology is, to have read all his works from beginning to end. The next, to spend a certain time in the conscientious purpose of mastering their real tendency by weighing the force of statement and counter-statement. The third, to enter the lists with something like equality in point of reading and clear-headedness. The fourth, and by no means least, to

give expression to these adverse views with something like the fulness, and in something like the form, of his own Treatises. An article in a review, a letter to the Editor, or a shilling pamphlet, are very suitable weapons against antagonistic works of their own character and dimensions, or even against an isolated opinion or statement in any work, however ample; but they do not, in our judgment, satisfy the obligations of the warfare in which so voluminous and thoughtful a writer as Father Faber ought to be encountered, or into which he can reasonably be expected to descend.

So strongly indeed are we of this opinion, that, except under a very clear view of the shape which our proposed remarks should take, and of the limits within which they should be restricted, we should have shrunk altogether from our present task. With the great questions of Predestination and Grace, which have divided the schools of the Church almost from the beginning, we have no intention of implicating ourselves except so far as any bias may be apparent in our occasional observations. The same applies also to the controversy which appears to exist on the true method of spiritual direction between Father Faber and the stricter followers of the Ignatian rule. All which we now undertake, is to speak very generally of the leading characteristics of Father Faber's last work in relation with its predecessors; bringing our remarks to an issue upon the two deeply interesting chapters entitled respectively the "Easiness of Salvation," and the "Great Mass of Believers," which form the point, some will say of contrast, others of culmination, in this, as compared with other treatises of the same author.

The "Creator and the Creature" has the same merits and the same peculiarities in a merely literary point of view, with all Father Faber's works. In common with the rest, it exhibits a power of facile expression, of vivid illustration, and of persuasive eloquence, which is Father Faber's own against all living competition. The obvious and almost only defect of his style is a tendency to multiply and reiterate epithets which imparts to it a kind of mannerism. It is certain, however, that the style which comes most naturally to a writer, is always the best for him; and there is no saying how much of the spirit and unction of Father Faber's might not disappear under the application of the *limæ labor*. It is obvious that he is one of those authors

who rather overflows than composes; and hence we must not try him too strictly by the ordinary rules of literary criticism.

In its subject, "The Creator and the Creature" may be regarded as a complete evolution of the theological and spiritual tendencies which form the basis of all Father Faber's teaching. Hence it becomes a kind of key to his other works. It draws out the great theory of man's relations with God, some of the results of which had been given us in "All for Jesus," the work on the "Blessed Sacrament," and, though less distinctly, in "Growth in Holiness." The root, not only of all heresies, but of all the practical atheism, infidelity, and worldliness of the day, is, in Father Faber's judgment, the disregard of our position as Creatures. The liberty which God has given to man the better to love and glorify Him, man prefers to use in erecting himself proudly or ignorantly, but, at any rate, only too fatally, as regards the end of his being, against the Creator who made him in love, sustains him by love, and destines him for an eternity of love. What indeed but love is the true secret of every divine act of which creatures have been the objects? Why did God create us, but because He would multiply beings to love Him? Why, but because He loved us, and would establish a new claim upon our gratitude, and a new guarantee for our love, did He raise man, on creating him, to the supernatural order? Why, when our first parents had abused their liberty in forgetting that they were creatures, did God at once announce the prospect of restoration and prepare the way for it? All the mysteries, therefore, of creation, providence, and grace, tend to one and the same conclusion. Hence it follows, that to love their Creator as their sole end, and to serve Him from the pure motive of love, is the true happiness of Creatures. Such is a short outline of the subject which Father Faber develops with a power and beauty of which mere extracts must fail to give any idea. Nor is there any object in making out our article by quotations from a book which is probably by this time in the hands or within the reach of all our readers. Let it suffice to say, that Father Faber's plan includes the discussion of the questions; What it is to be a creature; what it is to have a Creator; why God wishes us to love Him; why He loves us; our means of loving Him; our actual love of Him; and the way in which He repays our

love. "Here," says the author, "in other times, the treatise might have ended;" but he anticipates certain objections, to the consideration of which he devotes three important chapters. If the conclusion of the former chapters be just, salvation, it may be said, ought to be easy. "And," answers Father Faber, "*it is easy.*" And, if easy, he considers it to follow that by far the larger number of Catholics are saved. But, again, it may be said, is not this view contradicted by experience? The phenomena around us are surely against it. Father Faber allows that such is the case, and finds the explanation in the spirit of the World, which he regards as the most successful of the three great antagonists of God. The world is strong enough to put obstacles in the way of God's merciful intentions, such as are even sufficient to mar, to appearance, the beneficent work of grace. This chapter on the World strikes us as perhaps the very best in the whole work. It is quite a masterpiece both of argument and style. It is followed by one on "Our own God," which brings the treatise to a close with some final observations upon the love of God as a motive of action, the most sure, the most comprehensive, and that alone which can train the creature for the life of the blessed in heaven.

It will thus be seen that the "Creator and the Creature" forms, to a far greater extent than any of its predecessors, a kind of transcript of Father Faber's entire theological mind. Simple and obvious as is the view of our relation to God upon which it proceeds, that view "has been pondered for years, and has given rise to the theological bias visible in the other books, as well as to the opinions expressed on the spiritual life."—p. xi.

Hence Father Faber expects that the present volume will furnish a solution of difficulties which may have been found in the rest. Should those difficulties have mounted into positive objections, we are not sanguine enough to expect that the present treatise will remove them; for, in it, some of the logical deductions from the theological principles apparent in the whole series, are brought out, undoubtedly, in rather a startling form. On the other hand, we do feel very strongly, that any person who has gone thoroughly along with Father Faber in his other Treatises, and especially "All for Jesus," has no reason to be scandalized by this; for there is positively nothing in it, as far as we

can see, which is not involved in the whole scope of Father Faber's theological preferences. That there are *seeming* inconsistencies in his teaching—as for instance, between the general drift of “Growth in Holiness,” and parts of “All for Jesus,” or of “The Creator and the Creature”—this we have ourselves been disposed at times to feel. That there is a certain amount of occasional in-caution in his mode of expressing himself, even upon matters of primary importance, this we also feel, and shall attempt to show by instances. But what we do not think is, that Father Faber's works, taken either collectively or singly, where they appear inconsistent, merely represent shifting phases of their author's mind, or are no more than tentative speculations thrown out for what they may be worth, without anxious foresight of the difficulties they may create with readers who receive all which their author says in a spirit of confiding simplicity. We think far too highly of Father Faber to suppose him capable of any such wanton exercise of his own unquestionable powers. And as our own belief of the deep sense of responsibility under which he habitually acts, forbids entirely any supposition inconsistent with such belief, so, in like manner, we think far too highly of his intellectual gifts to suppose him ever ignorant of the true bearings of the theological principles which he propounds. Our solution, therefore, of any statements or casual expressions in particular of his works, which may be felt to contradict others of them, or to imply what in a less considerable author might be set down to deficiency in theological knowledge, would be, either that the objector has failed to master the full scope and legitimate bearing of Father Faber's theological views, or that Father Faber, though perfectly at home in his subject, may yet have expressed himself here and there with less than the technical precision of a mere theologian.

The particular mode of inculcating religious truth, which this author has adopted with such success, at once increases the difficulty of a perfectly accurate phraseology, and imposes a very strict obligation to labour after it. Father Faber writes theology rather as an orator and a poet than as a mere theologian. A certain freedom, and even dash of expression, is necessary to the effect, and even the essence, of his work. The character too, of his mind, as it may easily be gathered from his style of writing, must render it still more difficult for him in the

rapid succession of his thoughts, and the gushing flow of his eloquence, to measure the effect of all his statements upon more phlegmatic temperaments. There is in all his writings, what an unfriendly critic might call, a certain tendency to paradox. This must always be the case with one who sees things by the light of a most brilliant imagination, and expresses what he feels in an honest and genuine spirit. Father Faber is an essentially undiplomatic writer. He rather meditates aloud than addresses a body of imaginary critics. We have already said, and here repeat, that we are not charging him for a moment with crudeness, still less any desire of trifling with his readers. We suppose him all the time to have thoroughly digested his subject. But the very form it takes on paper, added to the peculiar, and we will add, highly attractive simplicity of the writer, renders him not only amenable to the calumny of adversaries, but open to the charge of incaution, even where he is the most thoroughly admired and valued.

On the other hand, his mode of teaching, while it exposes him to this danger, lays him, as we have no doubt he feels, under a peculiar obligation to avoid it. He writes avowedly for unlearned readers. He has no right to presume, on the part of those whom he especially addresses, such a familiarity with the subjects of which he treats, as will enable them to put the true theological construction on passages or words which have an uncertain sound. We do not suppose him otherwise than keenly alive to the duty of guarding against such misconstruction; yet we must still think that he is not always successful in this part of his work. Could we feel, indeed, that what we have just described as a danger, was anything like an unavoidable consequence of his didactic method, we should be obliged to take exception against the method itself; since it is a mere truism to say that there is absolutely no quality in a theological writer which can compensate for a want of verbal accuracy. And it is simply because we do not regard what we must consider Father Faber's chief temptation, in any such light, that we see no reason to detract from the value of the work which he has rendered to the Church, as a writer, by the interest he has thrown around theological enquiries through the peculiar style of instruction he may be said to

have originated. We proceed to give a few instances of what we feel to be the defect in question.

"Creation explains all other mysteries. *No wonder* God should become Man in order to be with him, or should die for him in order to save him," &c.—p. 45.

Here we have a double ground of demur. Creation surely does not "explain all other mysteries." In the very general and rhetorical way in which it may be said to involve love, and they also involve love, it may be said to involve them. But the exaltation of the creature to the supernatural order, and the reparation of the human race, are further mysteries, each separate in itself, and neither included in the way of necessary consequence, in the mere act of creation. We extend the same criticism to the sentence, "No wonder God should have become Man," &c. How does this tally with the Psalmist's language, "Quid est homo quod memores ejus," &c., or with the Church's "Deus qui humanæ naturæ substantiam mirabiliter condidisti et *mirabilius* reformasti?" A little further on Father Faber corrects himself, and says of Creation and Redemption, "Both are wonders, but *the first is the greater wonder.*" There is a certain looseness in all this which is the natural, though not the necessary, result of Father Faber's mode of writing. It is rhetoric rather than strict theology; but rhetoric, applied to a matter of very grave importance. A casual reader, of the class especially addressed, might fall into the error of supposing that, because God created man, He was therefore bound to raise him to the supernatural order; and again, because He so raised him, to redeem him after his sin and fall. This we know is not the author's meaning, but it is certainly the more obvious construction of the passage.

The following belongs so much to Father Faber's characteristic *naïveté* of thought and expression, that it goes rather against the grain to make it a matter of serious criticism. Yet we doubt if all readers will be able to appreciate it.

"In such a principle of action, (i.e. the mere 'sense of duty,') there is no real rehearsing for Heaven. The Blessed in Heaven do not act from a sense of duty. They contemplate and love. Surely there must have been some habit formed on earth, to correspond to and anticipate, that celestial habit of keeping the gaze fixed on

the beautiful object of faith. *A conscientious seraph is a very difficult idea to realize.*—p. 422.

Now, here it seems rather obvious to remark that, since the great characteristic point in which Christians on earth differ from the Blessed in heaven, is just that one which forms the ground and establishes the necessity of conscientiousness on their part, the undoubted truth that the Blessed act not from the sense of duty, but from the motions of pure love, is not much of an argument against insisting upon the sense of duty as a motive to Christian obedience. Far better is it, no doubt, to get Christians to act, as the seraphs act, on the principle of simple love; but does Father Faber, in this part of his work, make due allowance for peculiarities of character, habits of education, &c.? He writes not only for minds of a tender and affectionate cast, but for those in whom "sense of duty" is not merely the chief, but the only habitual motive to right action of any kind. What will the cold-natured people of England make of the principle of simple love as an elementary rule of life? The farmers, stock-brokers, and general officers? Yet we do not see why any of these classes might not be effectually trained for heaven by informing and directing their sense of duty, and getting them to regard God in some of those relations with which they are accustomed to connect the idea of responsibility in human affairs. We fear that there is danger of making people try to run before they can walk.

"Who does not see that [God] *predestined* all men, together with all angels, to be saved?"—p. 125.

Should not the word here be "*willed*," rather than "*predestined*?"

We come now to what appears to us an inaccuracy of a more serious kind; more serious, first, because the subject is one on which lax Christians are peculiarly on the look out for false encouragements, and are apt to interpret all doubtful phrases by the prevailing wish of their minds; secondly, because the phrase of which we complain does not appear to us, like those hitherto produced, to be an obvious *lapsus*, nor, on the other hand, to admit of any equitable construction. The passage to which we allude occurs in the chapter on "the Great Mass of Believers," and it will at once launch us into that portion of

Father Faber's treatise, which opens some most interesting and practical subjects of critical discussion. The extract is as follows:—

"While we are gazing at this picture, we must not forget to realize, and it is no easy matter, what we have seen in a former chapter, how little God actually requires as absolutely indispensable to salvation. One confession at the hour of death, ordinary fidelity in confessing, a purpose of amendment which has no temptation then to be insincere, a *very moderate* sorrow, with huge allowances made for the clouded weariness and distracting unsettlements of pain, and the soul that has spent close upon a century of sin is saved, saved because God puts the requisites for absolution so low, saved because by His merciful ordinance faith survived grace for all those years, saved because the Precious Blood of Jesus is such a superabundant ransom, such a mighty conqueror of souls."—pp. 335-6.

No one can deny that this passage is most beautiful in sentiment and expression; nor, although a large body of theologians will mournfully dissent from its practical consequences, have we a word to say against the essential truth of the doctrine it so touchingly propounds. But the phrase we have marked appears to us to admit of no sufficient defence, and to be open, consequently, to serious misinterpretation. We do not, of course, for a single moment suppose that Father Faber could intentionally understate the proper theological requisites for absolution; but why, "a *very moderate* sorrow?" The question in this place does not relate to the *intensity* of the sorrow, but to its character and quality. If by "moderate" be meant, small in comparison with God's claims, this surely is true of the penitential disposition of the most mortified of saints, as well as of the sorrow just barely sufficient for pardon at the end of a mis-spent life; for where there is no proportion, there can be no degrees. But if by "moderate" be meant positive smallness of amount, then, we repeat, that the question is not one of greater and less, but of kind. What we imagine that the learned author does mean is, attrition, in contradistinction to contrition; but it is surely incorrect to compare in point of intensity two sorts of sorrow, the difference between which lies in motive, not in degree. The Council of Trent requires as conditions of this "moderate" sorrow, (1) that it "arise from the consideration of the turpitude of sin, or from the fear of hell and of punishment:"

(2) that it "exclude the affection to sin:" (3) that it be accompanied by the hope of pardon. Surely these acts, specially difficult, for some reasons, at the hour of death, involve in their notion a sorrow far from moderate *in degree*. If instead of applying the term "moderate" to the disposition required as the minimum for valid absolution, Father Faber had defined Attrition, as distinguished from Perfect Contrition, persons would still have been found to question the prudence of making the statement, and even theologians of an opposite school to express personal dissent from the passage, but no theologian could have denied the abstract tenability of the doctrine. The wording in question seems another instance of Father Faber's tendency to employ phrases which represent generally the correct idea in his mind at the time, but which, taken strictly, do injustice both to his meaning and to himself.

We are the more anxious to vindicate the general drift of this passage even while we venture to think a word in it seriously misemployed, because, although we feel the full weight of the great and venerable names which are arrayed upon the opposite side, we have no wish whatever to take part, even apparently, against the doctrine of these two chapters, which finds in that passage its indication and even its epitome. For our own parts, indeed, we are in the habit of feeling "the easiness of salvation," (in the true sense of that phrase) to follow so naturally, and even necessarily, upon those lovely and loving ideas of God, which Father Faber has put forth in all his works with such attractive sweetness, that we almost doubt if he have not taken a somewhat circuitous method of introducing the subject by treating it as an answer to objections, rather than as the legitimate sequel of the preceding chapters. Even on the very face of the arguments from theological reason or from authority which are urged in its favour, all our instincts recoil from the thought that God would hedge round with difficulties, the attainment of that bliss which He has purchased for us at so immense a cost, and to the pursuit of which He has chosen us Catholics out of all the world by so free and wholly unmerited an act of His sovereign bounty. "Tu devicto mortis aculeo, aperuisti credentibus regna cœlorum."

"To a believer salvation is easy, so easy in fact that to each indi-

vidual soul in the Church the chances are greatly in favour of her salvation ; and *I have my misgivings that I am even thus understating the prospects of his success.* His life must be a life of efforts ; but the efforts are easy in themselves ; easy in their auxiliaries, easy in both the prospect of a future, and the enjoyment of a present reward."—p. 284.

Yes ! salvation is surely easy. First comes baptism, in which by a sacramental process of the most startling simplicity, the eternal penalties of sin are instantaneously remitted, and the child becomes entitled to the most stupendous privileges, which would not have been due to him naturally, "even if Adam had not fallen." When this child comes to the use of reason, he finds himself under a law indeed, but one which is easy and delightful till it is broken, and towards the observance of which, even where difficult, the most marvellous aids are always at hand. He is introduced into a world replete with innocent enjoyments, and comparatively few of whose pleasures are forbidden, neither is there in these pleasures any necessary tendency to rob God of the love which is His due, but, on the contrary, as seen through the light of grace, they are so many ever present mementos of that love, and helps towards corresponding with it. Mortal sin, God's great antagonist, "cannot lie in ambush or take by surprise ;" and venial sins do not break the tie of love, and besides are continually being washed out by expiations provided at every turn. But mortal sin—does not this monster change the whole face of the scene ? God indeed refuses to dwell in the soul which is defiled by it ; but faith and hope mostly survive the shock ; the one restless in its forced separation from charity, its natural ally ; the other, brooding over the troubled waters with its auguries of promise. And oh ! how ready are the means of restoration, how simple its conditions, how royal its completeness, how indefatigable its offers !

"The most remarkable feature of the baptized soul's position with regard to mortal sin is the perpetual, unlimited iteration of the sacrament of penance. That there should be such a sacrament at all after the completeness and magnificence of Baptism is a miracle of divine love. But that the Precious Blood of the Incarnate Word should be always at hand, like a public fountain at a roadside, open, gratuitous and overflowing, for the convenience of all passers by, could not be believed if the Church did not assure us of it..... Then, again, think of the completeness of the absolution.

Each time it destroys the guilt of the sin completely, so that it can never rise again, never bring back, even to the relapsed sinner, its consequences of everlasting punishment, while at the same time it wakens to vigorous life again merits that have been killed a hundred times by sin. How special, how ingenious, how peculiar, how unlike anything human, is this process, and yet on reflection, how naturally outflowing from the Divine Perfections."—p. 292.

But the marvellous generosity of God does not end here. Considering the intense malice of sin, and all the grace against which it has been committed, first baptism, then confirmation, then reiterated absolutions and communions, to say nothing of the countless unrecorded inspirations of every day, and almost every moment, it seemed a miracle of forbearance that God should, on such easy terms, so often and so fully remit the eternal consequences of sin, and restore the hope of seeing Him, and being with Him at last, even though at the end of ages of temporal suffering, however acute, and even they, sweetened by the consciousness of His love. But He so yearns for our company that He must needs provide a fresh expedient for shortening, perhaps even annihilating, the interval of our detention from glory.

"Straight from the confessional the Church leads her son into the fertile and exuberant region of Indulgences. There the Precious Blood is made to flow even over the temporal consequences of forgiven sin. God would not stop at mere salvation. It is His way to overflow and exceed. There shall not be a disability in the sinner's path, not a relic of his own foolish covenants with sin, which shall be left to molest him."—p. 293.

Let us suppose a case in illustration. A poor sinner, heavily laden with accumulated debts to God, enters, as if by accident, a church in which missionaries are preaching and hearing confessions. He enters it from mere curiosity, perhaps with disdain, but anyhow without the most distant thoughts of changing his course of life. The subject of the discourse is Hell. The preacher having first described in harrowing terms, and by the aid of expressive illustrations, the pain of sense; the prison, the piercing preying fire, the worm of conscience, and the eternal exile of hope, proceeds to dilate upon the loss of God. He shows how the presence of God has sweetened every task and lightened every load on earth; how He has smiled on us through the mother's endearments, spoken in the father's

warnings ; how He longs for us, weeps over us, meets and almost anticipates our earliest approaches, as though it were He, not we, that had need to be forgiven. And then, to lose this God for ever ; to have the gates of our everlasting home shut once for all against us ; to suffer without hope, because without Him, and when millions upon millions of weary ages are past, to know that this suffering is no nearer its end ! And for so little ! for a momentary gratification of sense, which carries its sting with it, and immediately reacts in the most withering desolation ! For the savage luxury of revenge ! For wealth which perishes with the using ; for honours which are but the stimulants of a new, ever craving, never resting ambition ! But the most intolerable thought has yet to come. Salvation was so easy. That day I received my first communion, was ever day in my life so sweet and happy ? Why did I not persevere ? why go out of my way, and almost do violence to myself, by turning aside to drink at the foul wells of impurity ? Why did I allow the world to unnerve the arm which Confirmation had braced for battle ? And even after I had deserted God for so many years, when I heard these very truths at the mission, saw the open confessional, and got a glimpse of the stoled priest administering the dispensation of the Precious Blood, why did I turn away ? What demon was it that sat on my arm when I would have struck my breast ; numbed my feet when I would have followed the sorrow-stricken multitude ? Was I not free ? Oh, it is my misery that I could have stayed, yet turned away ; have repented, yet clave to sin till it invested me and embarrassed all my steps. And even when warned of death's approach, I could have repented still. The priest indeed came, and I confessed—all but one terrible sin. The words of absolution passed over me, and masses were said for my soul, but the pardon was not ratified in heaven, and the prayer of the Mass rebounded back to earth, for the Precious Blood was not for me ! I had committed an irrevocable, an inexpiable sacrilege.

Our poor sinner is first arrested by the preacher's earnestness, then struck by the force of his reasoning, then excited by the vividness of his illustrations, then moved by the picture of a loving, forbearing and forgiving God, then touched with compunction. He remains for a few moments in agonized, yet not despairing suspense ; he turns

round and observes one after another approaching the side of the minister of God's love, with a burdened yet not languid air, and after a pause, shorter or longer as may be, quitting it with the infallible tokens of a relieved conscience and a happy heart. Oh, that their lot might be his! He finds himself almost unconsciously borne along by the tide; he enters the door of mercy, sobs his tale of sin, looks at least to be chid, put off, perhaps even repulsed, (for what does he not deserve?) but meets only with kind gestures and soothing words, for he finds an advocate and a father where he expected a censor and a judge. Can mercy, he asks, go farther? The absolution ended, he is bidden go say his light penance in the church which happens to be one of those to which is attached the benefit of a daily plenary indulgence. He fulfils the conditions, and his peace is consummated in the communion of next morning. Who will deny that such a case is possible, rather that it is anything but the rare accompaniment of a Catholic Mission? Yet here is an instance of one who enters a church, certain to all appearance of hell, and quits it infallibly sure of heaven, with the further benefit, greater or less, towards the removal of even the temporal penalties of sin which is involved in the gaining of the indulgence.

We can well imagine that excellent Catholics may take exception against the picture we have just sketched, as presuming an unduly favourable combination of contingencies. But the question is simply whether it, or rather much less than it, be a possible case. If so, there is certainly a true sense in which salvation is easy. Should the sinner we have supposed, even by a conceivable however unlikely stretch of circumstances, go to glory at once, and with so little personal cost, (and we repeat that this is, at least, a theological possibility) who will not say that there is here a complete reversal of our human notions of justice, while yet it is certain that, in such a triumph of Divine mercy, Divine justice is not only not compromised, but conciliated and secured to the very utmost boundary of all its most rigorous exactions? "*Misericordia et veritas obviaverunt sibi; justitia et pax osculatæ sunt.*" God looks upon the "face of His Christ," and in His infinitely meritorious Cross and Passion, finds that satisfaction of His most rigorous justice which the mortifications of all the saints, save as they were the fruits of love

and fillings out of Christ's Passion, could never have gone one single step towards appeasing ; and since it is the love which He wants of us, not the outward form which that love may accidentally take, He accepts the first fervent gush of such love as the preparation towards a complete pardon, no less readily than its palpable evidences, spread over a much larger surface of visible development.

Will any one say that this is *law* doctrine? To our thoughts there is absolutely nothing so fearful as the boundless mercy of God. It is absolutely certain that any of us may be irretrievably lost, as well as most easily saved, in the midst of this prodigality of love, this affluence of opportunity. But again, there is of course another side of the question, which it was not to Father Faber's purpose to discuss.

"If there are Christians who will not meditate upon eternal things, nor use the same rules of prudence and discretion in the matter of salvation, which they use in temporal affairs, or if there are any who let evil habits master them, or if, by a special wile of Satan, they will not let themselves be brought within the influence of a priest, it is not because salvation is not easy, but because they will not comply with its indulgent requisitions."—p. 310.

Father Faber has here touched upon one of the great difficulties which the abuse of human liberty puts in the way of the all but constraining solicitations of Divine Grace, the reluctance to have recourse to the priest in confession. From other causes altogether than the difficulty of salvation, (some of them causes to which this is not the place to allude,) the mere act of confession is a tremendous obstacle, especially in the case of long-standing sin, to the fulfilment of those really simple and easy requisites for pardon which God and the Church have prescribed. There are exceptions of course, but, as a general rule, we believe that the sinner has gained much more than half the battle towards the recovery of lost grace, when he has made up his mind for confession. *Dimidium facti qui bene cœpit, habet.* But there is a second obstacle to correspondence with God's merciful intentions, to which Father Faber might perhaps have adverted in the way of anticipation to a possible objection ; we allude to the extreme difficulty of cutting off the occasions of mortal sin. These however are topics to the importance of which we must not suppose our author otherwise than keenly

alive, because he does not more distinctly refer to them. He is in this treatise concerned only with the subject of God's love, and of the proper fruits of that love in man's behaviour towards his Creator; and he does well, as we think, on the whole, to leave objections to be answered out of his other works, or other parts of this, instead of interrupting the thread of his argument to give them a distinct notice.

In all this we of course assume, as we understand Father Faber to assume, that the great sacrament of penance is validated, in the cases supposed, by a due disposition on the penitent's part. We must never forget among ourselves what we are so apt to insist upon in controversy with Protestants, that a true and godly sorrow for and hatred of sin, together with a firm and effective resolution of the will to avoid it and its occasions, is as much part of the "matter" of the sacrament of penance as water is of the sacrament of baptism. So far as such a disposition is difficult, salvation also, to which it is essential, is not easy. But it is most easy as regards the assistances furnished towards gaining it, most easy as regards the readiness and simplicity of the means towards it, most easy above all when we compare these facilities with the immensity of the gain and the comparative absence of personal pain and cost actually necessary towards its acquisition. And although it is certain that the condemnation of Catholics who go on abusing mercy and neglecting grace to the last, will be proportionately heavier than that of such as fail to escape it with far fewer advantages, yet it must not be forgotten that the same advantages which enhance the responsibility of Catholics also facilitate their salvation. If we tremble to think of the Catholics who, however many be saved, will in all likelihood be lost, how far more keenly must we fear for those separatists who, even if they be not involved in the additional guilt of formal heresy or schism, are too certain to lose heaven through mortal sins, which not only do they not repent of, but of which, simply because they are not Catholics, they have not the least notion *how* to repent! And when, in comparison with their miserable state of disadvantage, we think of the graces which crowd upon one another in the life of every single Catholic of ordinary opportunities, and which he can hardly help imbibing with the very atmosphere he breathes, we seem to

understand the sense in which Father Faber means that salvation is easy to Catholics, where it is hard to others. Yet, let us reflect, to our warning and our shame, that the same privileges which, if used, make it easier to gain a high place in heaven, make it easier also, when pertinaciously abused, to sink to a lower depth in hell.

Whether the chapter on "The Great Mass of Believers" follow as necessarily upon its immediate predecessor, as the discussion upon "The Easiness of Salvation," from the general subject of the work, is a question upon which there may well be some difference of opinion. To us it does not seem to result logically from salvation being easy that almost all Catholics are saved, since salvation may be easy in the abstract, yet not easy to the greater number in practice. At any rate, it is not universal; and if there be mysteries on the side of encouragement, there are mysteries also on the side of warning; such as the fall of the angels, the fact and effects of original sin, the possible damnation of a Catholic for a first mortal sin, nay, even the existence of hell at all. But Father Faber thinks that notwithstanding all this, the great majority of Catholics are saved in the end in spite of difficulties and against appearances, and that to deny this would be virtually to say that salvation is not easy. He has no doubt a perfect right to such an opinion, and a perfect right to broach it and give his reasons for it in a work of practical theology; and although we may feel it our duty to represent so far the contrary view, we desire to add that all our own sympathies and experience are with the more hopeful theory.

First, as to the discussion of the subject. It appears never to have been practically held by theologians and spiritual writers that our Lord's words (St. Luke xiii. 23, 24,) were intended to preclude the practical consideration of this question; at any rate, if so, they preclude one side as much as the other. Granted then the legitimacy of the inquiry, the next question is as to the prudence of discussing the subject. This, as it seems to us, must depend very much upon the time, place, and mode of such discussion. We think the subject most unsuitable for discourses from the pulpit, whichever of the two sides be advocated. Our Blessed Lord's words do seem to us most pointedly against the public handling of the *rigorous* alternative; for the very question which He declines to answer, is, whether there be few that shall be saved. On the other hand, how-

ever, Our Lord's reply evidently points to the necessity of preaching up personal holiness, and the duty of each man working out his own salvation with fear instead of dwelling, in practice, on the speculative question. But the same objection does not lie against treating the subject in a theological and spiritual work, where it does not, as in a sermon, come before a person abruptly, briefly, and once in a way, but as part of a great and most practical view of religion, with the whole of which it has to be taken in connexion. Whether Father Faber have discussed it as fully as the great importance and delicacy of the question deserve, is a matter upon which we feel somewhat doubtful. We think, for instance, that he is a little below the mark in the Scripture portion of the argument. We believe that Scripture, fairly considered, is, on the whole, favourable to the more hopeful side which he espouses; but there are, no doubt, passages the first blush of which is adverse to his conclusion, and which he has hardly noticed. There are in fact on this as on so many other matters of equal importance, two distinct, apparently opposed, but really harmonious lines of truth to which Scripture alike bears witness. There is a severe side, and a gentle side. There are words and sentences which terrify us, as we read them; there are others which represent salvation as within the easy grasp of all. These words and sentences are by no means inconsistent with each other. We cannot trifle with God's grace, but at our imminent peril. When we do so, it is an act of His special mercy if some dreadful judgment do not befall us. But as a fact His judgments are most wonderfully suspended, while His mercy flows in the most ungrudging abundance. Reversing the Protestant divine's observation upon the Pardon of the penitent on the Cross, we might rather say that God sends His judgments occasionally that none may presume, but His mercies commonly that none may despair. Judgment is the exception—mercy the rule, of God's dealings with His people. One last and most precious opportunity of saving grace He bestows in by far the larger majority of instances—the time of sickness, be it of shorter or longer duration. It is a time of mercy so rich in blessing, and so remarkable in its power of enabling us to do much in a short space, that we cannot err in believing it to be often and often the occasion for repairing the mischief even of a whole life of sinful neglect. The tendency of sickness is

to subdue pride, rob temptation of its power, and the world of its false glare. It forces upon the most stubborn and self-willed the sense of his utter dependence upon God. It may harden him no doubt; but such is not, as we hope and believe, its ordinary effect, at least upon Catholics. Then it is, even in its mildest forms, attended with pains and discomforts every throb and twinge of which is an opportunity for the most efficacious penance. Then what countless stores of grace are involved in the visit of the Priest at that favourable moment! of that Priest who knows so well the "*molles aditus ac tempora*," the "time to speak," and the passages which wind up to the heart! He comes with the words of soothing exhortation on his lips. He teaches us how to bear suffering and turn it to the most profitable account. He tells us, and with authority too, that we can do more for God in moments of suffering than by years of labour. He comes with the Crucifix, with the Viaticum, with the Holy Oils. Oh, how touchingly beautiful is the Church in all her words and ways at this critical moment! How wonderfully too does God seem to make an opening for the influx of grace by withdrawing, even up to the last moment of life, that impression of death's inevitableness which might preoccupy the mind with paralyzing fear, and overwhelm the consciousness of freedom! But it is upon the Priest's visit and the worthy reception of the Last Sacraments, that she chiefly founds the external hope of ultimate salvation for those whom God has blessed with this especial token of His forbearing favour. Public and indisputable criterion of salvation in the case of those upon whose destiny after death the Church has not formally pronounced, we know there can be none; but, in default of such, our best hope is in the knowledge that a Catholic has enjoyed the ministrations of a priest on his death-bed. "*Sacramentis ecclesiæ munitus*," is the certificate of our full right to pray for one who has departed. True, God's untiring mercies may be slighted even to the end. The effects of the external absolution may be marred by a fatal absence of internal disposition, or a damning sacrilege in confession, and the Church, as missionaries so often and so truly remind us, may chant her requiems over souls that are for ever lost. Still, with Father Faber, we would charitably hope, that these cases are the rare exceptions; and such appears to us the bias of the Church herself. In the

appointed prayers for the dying and the dead, she seems studiously to avoid setting the terms, as we may say, of final salvation high, as if providing for the case of the many among her children who have late repented of a negligent and even scandalous life. She seems to suppose, as only too common, the case of faith and hope having survived the shipwreck of charity, even during the greater part of life. Thus she prays for the departed one before her (as if taking a kind of low average) that "*quia in Te speravit et credidit, non pœnas inferni sustineat, sed gaudia sempiterna possideat.*" More pointedly still, in perhaps the most beautiful of all her beautiful prayers for the agonizing, she prays (in the very spirit of Father Faber's Treatise) "Remember, O Lord, he is Thy Creature, not made by strange gods, but by Thee, the only living and true God; for there is no other but Thee, and none that can equal Thy works. Let his soul rejoice in Thy presence, and remember not his former iniquities and excesses ('*ebrietatum*') which he has fallen into through the violence of passion, and the corruption of his nature. *For although he has sinned, yet he has always firmly believed in the Father, Son, and Holy Ghost; he has had a zeal for Thy honour, and faithfully adored Thee his God and the Creator of all things.*" With the warrant afforded by this exquisite prayer, we feel that we have the Church with us in indulging the largest measure of hope for that numerous class of Catholics, especially among the poor of London, in whom faith and a certain general rectitude of purpose have been the chief redeeming points in a life characterized by repeated lapses into sins, for instance, of intemperance, and its attendant irregularities and excesses, but who have recovered themselves sufficiently at the last to make a good confession, so as to die "*fortified,*" as the Church so appropriately expresses it, with the graces of the final sacraments. But perverse, indeed, must he be, as well as insensate to the very ultimate point of folly, who, remembering the thousand-and-one accidents which beset the yet untrodden portion of life's journey, should sin on in presumptuous expectation of a blessing which sudden death, madness, and so many unforeseen causes may intercept, and which, above all, the one way to send flitting through the gate of empty visions, would be to imagine that we could grasp it when we will, and manage it as we please!

NOTICES OF BOOKS.

- 1.—*Rome, its Ruler and its Institutions.* By John Francis Maguire, M. P. London: Longman and Co., 1857.

Mr. Maguire has rendered a substantial service to the Catholic cause by this most interesting and trustworthy publication. We regret that our limits prevent us, on this occasion, from doing more than adverting to its appearance and importance. But we hope to have an early opportunity of bringing it prominently before our readers; meanwhile we cannot better give publicity to its merits than by subjoining the following letter, which has been published by two of our contemporaries:—

“London, August 28, 1857.

“My dear Sir—According to your desire, I have delayed acknowledging the receipt of your ‘Rome’ till I had read it through. This I have now done, taking it up at every leisure moment, with renewed pleasure, till I have finished it.

“Having myself had to go over great part of the ground, whether personally, or by the study of documents, I think I am qualified to form a just judgment of the work. It is a most truthful, accurate, and unexaggerated picture of the Holy Father, of his great works, and of his most noble and amiable character, drawn with freshness, elegance, and vigour, with admiration, and even, if you please, enthusiasm; but not greater than is shared by every one who has drawn near the person of the Holy Father. There is not a trait in your portrait which I do not fully recognise; not an action or a speech which I could not easily imagine to have been performed or spoken in my presence; so like are they to what I have myself seen and heard.

“In estimating what has been done during the late years of quiet rule for the prosperity of the Pontifical States, I think you have prudently kept rather below, than gone above, what might have been stated. The result will be more manifest in time, to the confusion, one may hope, of those who, dishonestly or ignorantly, misrepresent every measure of the Sovereign Pontiff.

“I feel sure that your work is calculated to do much good wherever it is read, and I cannot help hoping that the very novelty of daring to speak the bold truth, the abundance of information which is communicated, and the eloquence of the style, will obtain for your book all the popularity which it deserves.

“I need not say that, by this work, you have nailed your colours
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to the mast, and become the Pope's champion, in the house as well as out of it; and I am sure you will not allow him to be vilified by any one, however lofty.

"Before a second edition, I should be glad to point out a few typographical errors in Italian names, mere trifles, but worth correcting.

"I am ever, my dear Sir, your affectionate servant in Christ,

"N. CARD. WISEMAN.

"John Francis Maguire, Esq., M.P."

II.—*A Critical History of the Language and Literature of Ancient Greece.* By William Mure, of Caldwell, Vol. V. London: Longman and Co., 1857.

In 1850 three volumes of this gigantic work were published. Colonel Mure (Vol. i. p. 6.) embraces in his plan no less than the whole range of literature from the Mythical to the Byzantine period, under six heads, excluding, however, philosophy and science. Such a work, notwithstanding the detached notices of Grote and others, was a desideratum in our language, and we sincerely hope that the author may be able to complete it. The first volume exhausted the Mythical period, and a portion of the Epic part of the Lyric period, which is completed in the second volume, and brings together all that can well be said upon the fertile subject of the Homeric Poetry. In volume three the Lyric period was completed; and in 1853 the fourth volume was published, and extended to a portion of the third, or Attic period which commences with the rise of the Attic Drama, and of prose literature, and closes with the establishment of the Macedemonian ascendancy. The fourth volume embraces the history of Prose Literature before, and including Herodotus, his life, works, materials, and style; and it was not until the present year that the author has been enabled to continue the History of Prose Literature, and to embrace the interesting period of Thucydides and Xenophon, and the remaining historians. Such are the fruits of upwards of seven years' learned labours; and they do not embrace any part of the poetical portion of the third, or Attic period, which cannot fail to equal, if not exceed in interest any other part of the work. When that shall be completed there will remain the Alexandrian, Roman, and Byzantine periods, so that our phrase gigantic will not be found to be misapplied, and our apprehensions that it can never be completed are not

without foundation. Happily, however, each portion is complete in itself, and every part of it is replete with the deepest interest to those who can appreciate the Grecian character, the foundation of the liberal institutions and love of freedom in modern Europe. Such a work as Colonel Mure's deserves, and when his Attic period shall be completed, will receive at our hands the fullest analysis which we shall be able to supply; and in the mean while we shall best serve the interests of literature and of our friends, by informing them of the treasures which will be found collected in these five most interesting, and we may add, most agreeable volumes.

III.—*Grace O'Halloran, or Ireland and its Peasantry.* London: Dolman, 1857.

Another of Agnes Stewart's pious little stories, which is issued under the auspices of a goodly list of subscribers, which for many reasons we should be glad to see increased. The reader will fail to discover much originality or force; but in these days it is no small praise to say that there is nothing to condemn.

IV.—*Moore's Irish Melodies*, with the Symphonies and Accompaniments, by Sir John Stevenson, Mus. Doc. London: Longmans, 1857.

Messrs. Longman, by their uniform support of Moore, have done good service to the cause of literature and art. This friendship survives the grave, and has in this republication of the Melodies erected a lasting memorial to this Prince of Song. It is true that those who like ourselves have heard these melodies sung by Moore himself, must be sensible of something wanting in every other expression of their exquisite poetry; but their intrinsic beauty is imperishable; and Messrs. Longman have done their utmost to give the fullest circulation to his inspirations, by their beautiful and inexpensive edition of the Melodies, with the airs, reduced (for the most part) for one voice; they promise a like edition of the Harmonized Melodies and the other songs. We are not sure that we should not have preferred the publication of the Melodies in their complete harmonized form, even though it would have required two volumes to complete the work. But by the method which they have adopted the work is unquestionably made more accessible to every class of singers. The work, as to

paper and typography, is excellently got up, and we can only hope that it will be as profitable as it is honourable to its munificent publishers.

V.—*The History of the Romans under the Empire.* By Charles Merivale, B. D., Vols. IV. and V. London: Longman and Co. 1856.

These two volumes of this excellent work carry us through the reigns of Augustus, Tiberius, Caius, (Caligula) and Claudius, and convey a most lively picture of these important times, which are fraught with the deepest interests for all lovers of liberty and religion. They mark in the strongest characters the transition from democracy to European monarchy, and notwithstanding the awful tyranny which they disclose, indicate the foundations of the substantial rights to which the subject has in later periods been entitled, and the absence of which has ever been the characteristic distinction of the despotisms of the East. Mr. Merivale has traced out and analyzed with the greatest care the various authorities, imperial, tribunitial, &c., which were vested in Augustus by the distinct delegation of the authorities legally entitled to confer them, so as to vest in him by aggregation, all such powers (and no more,) as had been legalized and familiarly exercised under the Republican Institutions of Rome; and although in the progress of the Empire, the forms of the Republic were gradually disused, and made way for the simple will of the Emperor, yet it is impossible to doubt that sufficient of these foundations remained to exercise a substantial influence over the various institutions of Modern Europe, and to foster and guarantee the liberty which we appreciate and enjoy. It is therefore in the interests of rational liberty that we earnestly recommend to all our readers a careful perusal of Mr. Merivale's admirable analysis of the History of the Roman Empire, from which no one—even a mere reader of novels—can fail to derive very deep interest and instruction; and when it is borne in mind that his History of the Emperor Claudius does not extend to the great questions of the conquest of our island, and the origin and spread of our holy Religion, it will be seen that his succeeding volumes cannot fail to be looked for with eagerness, and perused with avidity. By way, however, of preparation for the vital question of the

necessity for the influence of Christianity, the reader is invited to consider in its detail the truly astounding development of immorality in every department, but more especially in the higher and female portion of the Roman population. The enormous wickedness of a Messalina, and an Agrippina, and the fearful list of suicides in the higher ranks, are specimens only of the morality which pervaded the whole of the social scheme; and the reader cannot help concluding that, but for the salvation which Christianity introduced, the whole frame of society must have sunk into ruins under the weight of its inherent rottenness and baseness; and it is only by a careful study of the actual condition of society, that it is possible to appreciate the real history of the influence and progress of our Holy Religion.

VI.—*The Life of Martin Luther.* By Henry Worsley, M. A. 2 vols. London, Bell and Daldy.

"It is not pretended that this English Biography of Martin Luther has been taken in any undecided or lukewarm spirit, as to the comparative merits of Popery and Protestantism. Every one who is blest with common sense and with common honesty," &c.—pref. p. x. The frankness of this avowal of partizanship, and of a foregone conclusion, relieves us from any necessity of criticising this work, or even of enquiring into the necessity for its publication, there being already so many histories of this arch-heretic accessible to every class of readers. It may, however, be as well to state that our author's principal additions to previous knowledge are derived from domestic letters which we presume will edify his Protestant readers, but which cannot fail to fill the minds of Catholics with horror and disgust at their perjured impiety and breach of vows. Our readers may be curious as to our author's views of the Satanic interviews and plurality of wives. They will find in Vol. II. (p. 316) a specimen of the former as to private masses, and of the latter, in Vol. II. (p. 325); but it is fair to add the author's admission that "the conduct of Luther and his colleagues in this notorious case of bigamy has ever been regarded as the greatest blot upon their characters" (p. 324). We think our author would be greatly puzzled to find any such essential repudiation of the first principles of Christianity as a "blot" for which

any leading Catholic divine was ever called upon to apologize.

VII.—*A History of the Church in England, from the earliest period to the Reestablishment of the Hierarchy in 1850.* By the Very Rev. Canon Flanagan, 2 Vols. 8vo. Dolman, London, 1857.

The title of this work is a misnomer, as is arithmetically proved by its containing only 1151 pages, of which about 500 are devoted to our Ecclesiastical story since the reign of Henry the Seventh. It cannot, therefore, be a "History" in the sense of Dodd and Tierney, who devote four and a half octavo volumes to the portion of the same period which ends in the reign of Charles the First—when unhappily, the progress of that great work was suspended by causes which we fear will prevent its completion; for where can we expect to find a fresh combination of the zeal, knowledge and ability, which have all but exhausted the period to which they extend, and which, but for its somewhat partizan character, would leave us nothing to desiderate? Canon Flanagan might well have called his work an Outline or Sketch, and as such it is of great value and importance; but every reader who wishes to become acquainted with the real History of the Catholic Religion in England since the commencement of the Century, will regret to find only a summary of less than 50 pages, about one of which (as an example) is devoted to the respective careers of Archbishop Walsh, and Bishop Baines.

The Sketch of our great champion, Bishop Milner, is presented with great spirit and at considerable length; but we cannot help thinking that this most important portion of our History is entitled to a much fuller and more extended detail, and that every portion of the glorious History of the immortal Milner ought to be developed for the warning and instruction of the British and Irish Catholic for all generations. What Catholic can ponder over the eventful history of "the Veto" and not hail Bishop Milner as the "pillar and foundation" of our Holy Religion in England? Who can imagine without a shudder, our glorious title of "Catholic" transmogrified into "protesting Catholic Dissenter?" Fancy our great Cardinal a "dissenter;" and yet, under Divine Providence, it is to the unflinching and all but individual zeal and

energy of one man in England that we owe our escape from so direful a calamity. Topics such as these ought not, in our judgment, to be represented and commemorated by merely imperfect outlines; and we deeply regret that their "History," if it is to be written, should not have been treated and consolidated with the completeness of detail and documentary evidence of which Mr. Tierney has given us an example worthy of all imitation. Many of the other sketches of our author, we cannot help considering as very insufficient and unsatisfactory, as well in what they contain as what they omit. The half page which records so eminent a Prelate as Bishop Baines is surely calculated to mislead a stranger into a most erroneous estimate of this eminent servant of God. "Why dwell on so painful a theme?" (p. 461.) Why, we ask, discuss it for the mere purpose of recording the pain? Why not record those noble aspirations which, if they failed, failed through venial miscalculations only? Why if recorded at all are they not recorded so as to serve as beacons and warnings to the over sanguine, and not merely in terms which, without conveying the full history of the case, serve only to point a sarcasm for the benefit of the ever watchful enemies of our holy religion? Still more do we deprecate the tone and spirit of our author's "History" of Archbishop Walsh, which appears to us to be open to the objections we have suggested to that of Bishop Baines. We are informed, indeed, (p. 463) that "it is not to be forgotten," that he assisted "in raising the character "of our ecclesiastical architecture," and in part enabled Dr. Weedall "to build the new College at Oscott;" but we are also informed, (p. 463) that though "devout and simple-minded," "there was want of method in his accounts," and that "he departed too widely from," and was therefore, we presume, ignorant of "the very principles of Canon Law," so that he "thus bequeathed a painful legacy to "his diocese:" and this appears to be all that posterity is to know of the history of one of the most remarkable men of his age, who perhaps was the second only in preparing the way for that great Oxford movement which our author very justly and spiritedly describes as among the most important ecclesiastic events of the transcendent 19th century. Strange it seems to us to find no record of his grace's munificent present of the "Marini" Library of 11,000 volumes, to St. Mary's College, at an

expense of several thousand pounds, and that too, without any imputation on his "want of method in accounts," as it was purchased out of funds with which (in the language of the executor of the donor) "he was at liberty to drive his coach and six." Still more strange that there should be no record of this most noble benefaction of Mr. Blundell, of Ince, or of the fact that every shilling of it was spent (as our author must have known) for the benefit of the central district, and that to an amount exceeding by many thousand pounds the maximum of "that painful legacy" which "want of method in accounts" could possibly have entailed upon the diocese; and which expenditure we do not hesitate to say was in the councils of the Almighty an essential element in the great work of Catholic restoration in England. We dwell upon the memory of this great servant of God with a degree of veneration and affection which is possibly influenced by long personal friendship and intimate intercourse, but we cannot think that such a summary as our author has supplied can be satisfactory to the least partial admirer of Archbishop Walsh, or the least ardent searcher after the real history of our eventful times. Surely it cannot be right that the only recorded result of his magnificent and glorious restoration in every department should be "a painful legacy," which the uninformed and Protestant reader from the juxtaposition of "praise and blame" may not unnaturally conclude to have been the result of his "want of method in accounts;" and if the estimate of his memory is to rest upon the present representation of it, his "intentions" are to be acquitted only at the expense of his "simple-minded" ignorance of a departure from the "very principles" of that law which he was absolutely bound to enforce and obey. Of course we acquit our author of any intention to undervalue or misrepresent the eminent person whom we know to have been an object of his profound veneration and respect; but we must confess that we should have preferred his silence to a history which appears to us to reverse the usual order, by recording almost exclusively what is painful, and affording no sufficient materials for examining both sides, and forming a just and unbiassed estimate of many of the leading facts which he purports to narrate.

The style of the present work, as regards composition and readableness, appears to us to be a considerable improvement on the former publications of the author, and

there can be no doubt that the Catholic reading public owe no inconsiderable debt to his zeal and industry.

VIII.—*Miching Mallecho, and other Poems.* By Paul Richardson. Burton-Up-on-Trent: Whitehurst, 1857.

Would that Paul Richardson would brew Burton ale and eschew verse. He however invites us to peruse two hundred pages of it; and we must own that the one hundred which make up his "Mischief" poem, appear to be a sad series of prurient nonsense, with no small dash of vulgar impiety. The rest of his book consists of songs, &c, in which we find the same staple as that of the leading publication. We incline, therefore to think, that the least said is soonest mended; and we believe that Mr. Paul Richardson may be likely to come to the same conclusion, if he will honestly submit his fate as a verse-maker to any friend who has a decent ear, and will give a candid opinion as to such verses as the following:

"Yet dainty as though in Sybaris born,
A more vehement struggle for the joy," &c.

It appears (p. 80) that the author at one time was gifted with an inspiration, the neglect of which we think he may live to regret, even though it came from an unpropitious quarter.

"I have a volume lying in the Press;
Faith there I'll let it lie; for it contents me
As little as I do content myself;
As I was looking down into my heart
I saw the Devil looking up at me;
My Book has caught some foul spot from my heart,
And I would cast it deep into the sea,
Like a rich goblet with a tempting draught,
Ere a pure lip were tainted with its kiss,
Or drank down sorrow from its golden mouth."

IX.—*The Convert Martyr, a Drama in Five Acts.* Arranged from Callista, by the Rev. Dr. Husenbeth. London, Burns & Lambert, 1857.

A skilful arrangement of Dr. Newman's masterly work, in which the dramatic character and power of the original are ably done justice to.

X.—*Heidenthum und Judenthum. Vorhalle zur Geschichte des Christenthums.* Von Joh. Jos. Ign. Döllinger. 8vo. Regensburg, Manz, 1857.

Dr. Döllinger's "Heathenism and Judaism" has been long and anxiously looked for in the theological circles of Germany, of whatever shade and variety of opinion. Its appearance may well be called an era in the literature of ecclesiastical history. High as was the reputation of its distinguished author, this masterly work, the fruit of many years of profound thought, as well as of most patient and laborious research, presents him in a light almost entirely new, and far more than fulfils the highest anticipations even of those who were most familiar with his earlier writings.

We have received it at so late a date, that, for the present, we cannot venture to do more than congratulate the Catholic world upon its publication. We trust, however, that we shall be able in our next Number to lay before our readers a detailed account of its purpose and contents. It is already recognized by the whole theological press of Germany as one of the most remarkable works in the entire range of modern ecclesiastical literature.

XI.—*Five Years in Damascus, including an Account of the History, Topography, and Antiquities of that City. With Travels and Researches in Palmyra, Lebanon, and the Hauran.* By the Rev. J. L. Porter, A. M. 2 vols. London: Murray, 1855.

The Geography of the Bible may be regarded as pre-eminently one of the studies of the day. The researches of Ritter, Robinson, Stanley, De Saulcy, and others, although often, we regret to say, conducted in a cold and sceptical spirit, have gone far to fill up many gaps which had been left by the earlier explorers; and there are few of the more recent travellers in the Lands of the Bible who have not made these explorations one of the principal objects of their investigation.

Mr. Porter, in selecting Damascus as his subject, has had the advantage of a theme comparatively untried, as well as highly interesting for its many historical associations, ancient and modern, from the days of the Patriarch Abraham, down to those of Ibrahim Pasha; and although he falls far short in brilliancy and picturesqueness of the

more popular Eastern travellers, such as Warburton or Kinglake, and makes little pretension to the richness and variety of historical illustration which characterise such writers as Stanley or Lord Lindsay, yet his volumes will prove in many respects more valuable to the student than the lighter, though more attractive publications which of late years have invested the study of biblical antiquities with a charm even for the most superficial readers.

The chapter upon the history of Damascus is an exceedingly able and lucid summary of the best writers upon the subject, and carries it down to the very latest period. The topographical descriptions, although sometimes dry and technical, place in a very clear light all the points which can interest the historical student; and the author's familiarity with the manners of the wild races which still inhabit this region, and with the social usages which prevail among them, is often turned to good account in illustrating many scriptural phrases and allusions, which, to a Western reader, are obscure and almost unintelligible.

The remaining portion of Mr. Porter's notes of travel will prove less attractive. There is but little of novelty in his account of Palmyra; and Mount Libanus and anti-Libanus have been so often described by English travellers, that he could hardly have been expected in his passing visit to have added much to our knowledge of them. The chapters on the Hauran will prove next in interest to those upon Damascus; and although they still leave many details to be filled up, we cannot but regard them as a very important contribution to the historical geography of that strange but interesting region.

XII.—(1) *Wanderings in North Africa*. By James Hamilton. 8vo. London: Murray, 1856.

(2) *Narrative of an Exploring Voyage up the Rivers K'wora and Bi-mue (commonly known as the Niger and Tsádda) in 1854*. By William Balfour Baikie, 8vo. London: Murray, 1856.

We reserve, till the publication of Dr. Livingston's long expected volume, the notice of these and other recent books of African travel, which we have for some time contemplated. Although the scenes of exploration which they describe are far apart, yet the whole subject of African discovery and of the moral and religious questions which it involves, is so closely connected, that it is

difficult to consider it satisfactorily, except as a whole. We purpose, therefore, to devote a special paper to it in an early number.

XIII.—*The Devout Client of Mary instructed in the Motives and Means of Serving her Well.* By Father Paul Segneri, of the Society of Jesus. London: Burns and Lambert, 1857.

Father Segneri's *Devout Client of Mary* has long been, in Italy, the classical manual of devotion to the Blessed Virgin. Like all the ascetical treatises of that great writer, it is equally learned and simple, replete at once with tenderness and with practical instruction. It is free, moreover, from some of those peculiarities of his style,—as for example, the frequent allusions to classical history, and illustrations from classical literature—which, in his larger treatises, and still more in his sermons, occasionally jar upon our English notions, and impart to his writings an air of elaborateness and of art, which, to some extent, mars their devotional effect. We have always regarded the *Devout Client of Mary* as a model of ascetical style, and we welcome the excellent version now before us, as a valuable addition to our English devotional literature. The translation is executed with great elegance and taste, as well as with most scrupulous accuracy.

XIV.—*De Synodis Commentarium Liturgico-Canonicum, sive Manuale Juris et Ritus qui in Synodorum Convocatione ac Celebratione Servari debent.* Edidit, Proemio Annotationibusque illustravit R. D. Laurentius Forde, Ph. ac. S. T. D. in Universitate Catholica Hiberniæ Juris Sacri Professor. Dublinii: apud J. Duffy, 1857.

Dr. Forde's learned treatise on Synods is only one of the fruits in these countries of the remarkable revival of that ancient institution of the Church, which the enlightened zeal of his present Holiness has called forth in almost every portion of Christendom; but it is in many respects one of the most important, and most permanently useful of them all, and may take its place as an essay upon a particular subject, in the very first rank of modern canonical literature.

The treatise, in so far as it is ceremonial and liturgical, exhausts all the best and most recent authorities upon the subject of Synods. But much more valuable in the eyes

of the student of Canon Law will be the learned historical introduction prefixed to the essay. It is full of interesting details on every topic connected with the history of Synods; not the least attractive of which will be a condensed but comprehensive account (pp. 8-10) of the Synods of the ancient Church of Ireland.

XV.—*Central Africa. Adventures and Missionary Labours in several Countries in the Interior of Africa, from 1849 to 1856.* By T. J. Bowen. Charleston, 1857.

The object of this work is an appeal for support of the Baptist Missions in Central Africa, by a practical Missionary. As our author asserts, (p. 311) that the Catholics call their idol worship the "worship of Jehovah," and are "heathens," we might well be spared the pain of bringing such a work under the notice of our Catholic readers, the more especially as (p. 21) the efforts of the Portuguese to convert the Negroes are treated very superficially and are all but ignored. But nevertheless, the work is well worth perusal, as it exhibits such a character of the inhabitants of Central Africa, as renders it a most promising field for Catholic missions; while the writer all but admits the substantial practical failure of those of the Baptists and other Protestants; and the secular parts of the work are extremely interesting and valuable. Our readers will not be surprised to find the Baptist Missionary (p. 79) following the old game of "obtaining a grant of land for a farm." Or that (p. 87),

"Whether whites, blacks, or mulattoes, the present position of the people is almost beyond the reach of the Gospel. Within the last twenty years two forward and self-conceited men who were sent from Europe as missionaries, have found their level among the Heathen."

Nor will such a passage as the following (p. 158) present anything new to many of our readers:—

"One day Broket sent for me and showed me his Bible..... He knew it to be the word of God, and treated it with great, and perhaps superstitious respect. How eagerly he would have read it if only he had been able!.....he showed me all his idols and other symbols of religion.....but would not agree that his own mediators, of which the images were only symbols, had no power with God."

We did, however, peruse with surprise the following passage (pp. 158-9):—

"A middle aged woman came almost every morning to hear me preach.....she brought her idols to be destroyed.....I was rather surprised when she said, 'I want you to baptise me.' Knowing that I must soon go forward, and might never see her again, so as to instruct her in all things which follow Baptism (Matt. xxviii. 20.) I felt constrained to refuse her request.....I was too curious to see the country."

If our readers should desire to know the actual progress of these Baptist Missions, they will look in vain for any specific information on the subject, and must be content with such general information as the following (p. 358):—

"The number of Baptists in the Southern States only, are nearly or quite 600,000."

Almost the only particular information is at p. 214, a transcript of the statistics contained in the last Report of the Sierra Leone Mission, under the auspices of the English Episcopalians and Wesleyans. The zealous Baptist affords us some consolation, though in a form which is the reverse of civil, in the following passage, (p. 357.)

"If Protestants do not extend the dominion of Christ over the (Central Africa) continent, Romanists will extend the dominion of the Pope, and the conversion of the people will be delayed for indefinite years."

God grant that this prediction may be verified; and this writer will not have written in vain if his work shall draw the attention of those in authority to the additional information supplied by this book for facilitating the progress of the true missionaries of our Holy Mother.

XVI.—*Caste and Christianity, a Looking-glass for the Times.* By Temple Christian Faber. London: Hardwicke, 1857.

The preface contains the following words, "He is not the 'Faber' of the Temple-Christian, nor of the Christian Temple;" whether we are from hence to infer that there is a pseudo name we cannot tell; but had it not been that we found a name so honoured attached to this work, we incline to think that we should have left it to the ob-

scurity to which we hope and believe it is destined ; for, much as we have to mourn over the revival and increase of bigotry in our behalf, we will not allow ourselves to believe that the public will give much credence to a republication of the congeries of falsehoods and calumnies which the author has swept into his common-place book, and the refutation of nine-tenths of which he must necessarily know are the household words of every one who takes any trouble to master these kind of questions. There is, however, one peculiarity in this work, its equally impartial abuse of Hindoos, Puseyites, and Catholics, and on the whole we think his more special ribaldry and malignity are reserved for the second of these classes.

XVII.—*The New Dance of Death, and other Poems.* By Charles Boner. London : Chapman and Hall, 1857.

In the principal of these poems there is great power and originality. Death is personified with a boldness often highly poetical. We will give one instance, in which he asserts his claim to be considered the friend and not the terror of mankind—as follows :—

“ Or at night on some lighthouse top I sit,
And watch the great vessels that by me flit ;
Storm-driven, and straining, and wildly trying
To weather the tempest through which they're flying.
There, rolling and plunging, with rise and dip,
Comes labouring onward the emigrant ship.
'Tis freighted with sorrow: with hearts still grieving
For old homes, old friendships they now are leaving.
Before them uncertainty—distant, drear,
With no old affections, nothing dear ;
A future dim-looming with boundless range,
Where all is oppressively new and strange.
'Twas that ship I watched for.—The beacon's ray
Shines hopeful yet warningly through the spray ;
But now 'tis obscured : all is starless night ;—
I stand at the window before the light.
On comes the doomed ship; it takes one blind leap,
And, shivered, falls back in the gloomy deep.
'Tis gone ; and as silent as flakes of snow
The sleepers have passed. They have pass'd from woe,
To wake on a peacefuller shore I trow.”

XVIII.—*The Eternal Truths, Preparation for Death.* By St. Alphonsus Maria de Liguori. Translated from the Italian, by the Reverend Father Coffin, Redemptorist Priest. London, Burns & Lambert, 1857.

This work consists in thirty-six "Considerations" upon the "Eternal Truths" needful for salvation. To render it more suitable for those who live in the world, each "consideration" has been divided into three points, or heads, forming the subject of a meditation complete in itself. The book concludes with the plan for an eight days' retreat. We have said enough to show that the arrangement of these meditations is practicable, and one of general utility for spiritual readers. More we need not add. The venerable name of St. Alphonsus guarantees their excellence. They have been translated by a Redemptorist Priest, dedicated to the Right Rev. Mons. Newsham, and given to the English public in a manner befitting their value, with the especial sanction of the Holy Father himself, and of Cardinal Wiseman.

XIX.—*Preston Hall, a Catholic House, in 1580, and 1855.* By the Author of Stumpingford. London: C. Dolman.

This clever story is reprinted from the "Rambler," with the addition of one more Oxford chapter, and with a difference in the title. It is already too well known to require further introduction from us; and indeed we should have found it difficult (without longer extracts than we have now space for,) to give any idea of the wit, the pungency, and the power of this little work. The name of the author is probably known to most of our readers, it does not happen to be so to us; but his ability and education speak for themselves; his satire is as gentlemanly as it is keen, and his racy graphic style of writing illustrates strongly the interesting points of Catholic history which he has chosen for his subject.

XX.—*The Lives of Philip Howard Earl of Arundel, and of Anne Dacres his Wife.* Edited from the original MSS. by the Duke of Norfolk, E.M. London: Hurst and Blackett. 1857.

We had prepared an article on the subject of this important and interesting work, which we are compelled to postpone to our next number.

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